

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF APRIL 28, 2006

(Published May 6, 2006, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

April 28, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 4/28/06.

Lilligren moved acceptance of the minutes of the regular meeting and adjourned session held April 14, 2006 and April 18, 2006. Seconded.

Adopted upon a voice vote 4/28/06.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 4/28/06.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271134)

Annual Evaluation of Affordable Housing Initiative for 2005.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271135)

Land Sales:

1915-4th Ave N;

1415 Oliver Ave N;

706 Newton, 2320 Sheridan & 2615 Thomas Aves N.

Affordable Ownership Housing Program: Technical revisions.

Augustana Chapel View Homes, Inc (re Augustana Park Center Apartments, 1020 E 27th St & 1509 -10th AveS): Granting approval to issue bonds for 218-unit elderly independent facility.

Lutheran Social Service: Authorize contract for administration of "It's All About the KIDS" Program.

1101 W Broadway Project Area: Authorize negotiation of terms of a redevelopment agreement & land sale with Ackerberg Group, Pillsbury United Communities & Welsh Companies.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271136)

Real Asset Capital, LLC (re Broadway Shopping Center Project, in intersection of W Broadway & Lyndale Ave N): Giving preliminary approval to issue bonds for redevelopment of shopping center site.

Low Income Housing Tax Credit Procedural Manual & Qualified Allocation Plan: Approval of Manual & Plan; Authorizing Request for Proposal.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271137)

Environmental Remediation Grant Applications: Authorize applications to Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account Grant Program; MN Department of Employment & Economic Development Contamination Cleanup Grant Program; & Hennepin County Environmental Response Fund.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (271138)

Near North Willard Hay NRP Phase II Neighborhood Action Plan.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

CIVIL RIGHTS (271139)

City Assisted Construction Projects: Authorize implement, monitor and enforce construction employment goals of 11% for minorities and 6% for females on all City assisted construction project.

HEALTH AND FAMILY SUPPORT SERVICES (271140)

Local Collaborative Time Study: Execute contract with Hennepin County to engage in Local Collaborative Time Study revenue enhancement activities.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (271141)

Cities Readiness Initiative: Amend Grant Agreement with Minnesota Department of Health to increase amount by \$13,000 to improve mass dispensing capacity in the region; and Approve appropriation.

Public Health Preparedness and Response to Bioterrorism: Amend Grant Agreement with Minnesota Department of Health to increase amount by \$58,464.54 for implementation and testing of City, County and regional Public Health Emergency Preparedness Plans; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (271142)

First Quarter Report 2006.

INSTANT RUNOFF VOTING TASK FORCE (271143)

IRV Task Force Progress Report.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (271144)

Eminent Domain/Inverse Condemnation: Language of eminent domain bill portion dealing with government entry into mixed municipal solid waste services business & inverse condemnation.

5411 Penn Ave S Liquor License: Language of HF3940 relating to liquor, allowing the City to issue an on-sale liquor license to a restaurant at this location.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (271145)

NRP Policy Board: Action authorizing expansion of NRP statutes to include community public safety in addition to housing.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (271146)

2005 Youth Access to Alcohol: Compliance Report.

Police Community Relations Council: Mediation Compliance Unit Update.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (271147)

Chapter 249 Property at 1626 E Lake St: Authorize demolition of property.

Chapter 249 Property at 2623 Dupont Ave N: Authorize demolition of property.

INSPECTIONS DEPARTMENT (271148)

Chapter 249 Property at 2615 Newton Av N: Authorize demolition of property.

INSPECTIONS DEPARTMENT (271149)

Chapter 249 Property at 2946 Oliver Av N: Authorize rehabilitate property, subject to conditions.

LICENSES AND CONSUMER SERVICES (271150)

Hi-Hi Gas N More (4751 Nicollet Av): Grant Grocery, Food Manufacturer, Tobacco and Gasoline Station Licenses, subject to conditions.

Old Arizona Studios (2821 Nicollet Av): Grant Off-Sale Liquor License, subject to conditions.

Licenses: Applications.

POLICE DEPARTMENT (271151)

Police Proprietary Software: Execute License Agreements with other jurisdictions on an ongoing basis; Authorize staff to adjust the Workforce Director Service and Software License Agreement as required to achieve project goals; and Authorize Finance staff to periodically adjust budgets to reflect revenues in accordance with City Attorney opinion.

REGULATORY SERVICES (271152)

Administrative Citations for Animal Care & Control: Resolution to specifically include violations of Title 4 of the Code of Ordinances relating to Animals and Fowl.

Amplified Sound and After Hours Noise: Ordinance amending Title 15, Chapter 389 of Code relating to Offenses—Miscellaneous: Noise, amending after hour work permit requests, extending hours for outdoor amplified sound permit requests, and the authority to modify and suspend permits.

Clandestine Lab Sites: Ordinance amending Title 11, Chapter 227 of Code relating to Health and Sanitation: Nuisances Generally, amending the definition of public nuisance to include clandestine lab sites.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (271153)

K-9 Health Services: Execute multi-year contract with University of Minnesota College of Veterinary Medicine, Veterinary Medical Center, to provide health services for K-9 service dogs.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (271154)

Traffic Zones, Restrictions, and Controls: Receive and file 2006 first quarter report.

Non-Motorized Pilot Project Update and Blue Cross/Blue Shield Grant Applications: Receive and file report.

2006 NPDES Stormwater Management Program and Annual Report: Public hearing to receive public comment on draft report.

RAMSEY COUNTY REGIONAL RAILROAD AUTHORITY (271155)

Alternatives Analysis/Draft Environmental Impact Statement: Impacts of constructing transit improvements along the Central Corridor between downtown St. Paul and Minneapolis.

XCEL ENERGY/NSP (271156)

Utility Pole: Install one (1) 55' 3/4 pole 25' from existing pole to serve new building, Design #163362.

Utility Pole: Install one (1) 45' pole on 2nd St for new service to 1101 Main St NE, Design #162483.

Utility Pole: Install one (1) 45' pole on Dupont Av S to support transformer bank at 2120 Hennepin Av, Design #165246.

Utility Poles: Install one (1) 55' 3/4 pole on 2nd St S and one (1) 55' 3/4 pole on 11th Av S for overhead to underground relocation at customer's request, Design #164139.

Utility Poles: Install two (2) 50' 3/4 poles on 1st Av NE for switch poles for new underground feeder cable, Design #159914.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271157)

Block Event Ordinance Amendment: Amend Title 17, Chapter 455 of Code relating to National Night Out.

Midtown Greenway Bridge Over Hiawatha Av: Air rights easement agreement over the Hiawatha LRT.

Bridge Abutment Flushing Agreement: Agreement with MnDOT retaining City to flush certain MnDOT bridges.

2006 Alley Resurfacing Program: Receive cost estimate and list of benefited properties. Set public hearing for June 6, 2006.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (271158)

Miscellaneous I-35W Frontage Road Reconstruction, Project No 9761: Order City Engineer to do the work, adopt special assessments at renovation rate, and request Board of Estimate and Taxation to issue and sell assessment bonds. Comments.

Orfield Laboratories Contract: Authorize exceeding the limit for professional services agreement by \$10,000.

Right-of-Way Easements: Authorize negotiation with private property owners for right of way for Elliot, 10th, and 11th Av S at Lake St.

Bids: Accept a) OP #6580, low responsive bid of Midwest Asphalt Corporation, for Class 7 recycled concrete; and b) OP #6600, low bid of Rybak Excavating and Contracting, Inc. for disposal of clean fill excavation spoils.

WAYS AND MEANS BUDGET:

ESTIMATE AND TAXATION (271159)

Filings of Statements of Economic Interest: Receive and File Internal Auditor's recommendations and report.

City of Minneapolis Contracting Process: Receive and File Internal Auditor's report.

FINANCE DEPARTMENT (271160)

2007 Preliminary Budget Development Schedule: Receive and File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (271161)

Master Legal Services Agreement: Authorize City Attorney to amend the "Master Agreement" between the City of Minneapolis and Kennedy & Graven, Chartered, for the period of January 1, 2004 through December 31, 2006.

BUSINESS INFORMATION SERVICES (BIS) (271162)

Unisys Contract: Amendment increasing Contract C-18881 for deployment of 15 Tablet PC's; Approve appropriation.

COORDINATOR (271163)

New Central Library Project - Change Orders: Approve Change Order No. 1 increasing Contract Number C-22751 with Artifex Millwork, Inc. (\$29,537); and Change Order No. 12 increasing Contract Number C-20366 with Egan Companies, Inc., d.b.a. Egan mechanical (\$165,681).

COUNCIL MEMBER (271164)

2005 Rollover Funds - Council Member Offices: Approve notice by Council Members Ostrow and Hodges to decline additional appropriation to their individual office budgets; and direct those funds to the Self-Insurance Fund to assist in debt reduction.

FINANCE DEPARTMENT (271165)

Capital Long-Range Improvement Committee (CLIC) Appointment: Approve City Council appointment of CLIC member Skyler Weinand (Ward 10).

HUMAN RESOURCES (271166)

Minneapolis Foremen's Association: Execute 12-month collective bargaining labor agreement.

PRESIDENT JOHNSON (271167)

Ethics in Government Ordinance: Amending Title 2, Chapter 15, Section 15.120 of the Minneapolis Code of Ordinances (by striking the word "appointed").

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (271168)

Appeal: Charles and Penny Ainsworth (re Shane Walgamuth, 3815 Washburn Ave S): re decision of BOA approving variances.

PLANNING COMMISSION/DEPARTMENT (271169)

Vacation: Michael Johnson (Portion of 16th Ave SE from 8th St SE to the Burlington Northern & Santa Fe Railroad line): for use as private property.

Rezoning:

MWF Properties, LLC (re: Washington Court Apartments, 2101 Washington St NE);

Chris Rydrych (re: 19 W 38th St);

Eclipse Investments, LLC (re: 3216 25th Ave S and 2432 33rd St E).

FILED:

CITY CLERK (271169.1)

Chapter 249 Property at 2822 15th Ave S: Verbatim Transcripts of a portion of the Public Safety & Regulatory Services Committee Meeting held February 1, 2006; and a portion of the Minneapolis City Council Meeting held February 10, 2006.

METROPOLITAN AIRPORTS COMMISSION (MAC) (271170)

Metropolitan Airports Commission, 2005 Annual Report to the Legislature, March 2005.

The following reports were signed by Mayor Rybak on May 4, 2006, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1915 - 4th Ave N to Redeemer Center for Life, Inc for \$16,000, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.
(Published 5/3/06)

Resolution 2006R-216, authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No. HAR 24-5 (1915 - 4th Ave N), was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-216
By Goodman

Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No. HAR 24-5 (1915 - 4th Ave N).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel HAR 24-5, in the Harrison neighborhood, from Redeemer Center for Life, Inc., hereinafter known as the Redeveloper, the Parcel HAR 24-5, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of HAR 24-5; 1915 - 4th Avenue North: Lot 5, Block 18, Maben, White and Lebron's Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$16,000, for Parcel HAR 24-5 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 5, 2006, a public hearing on the proposed sale was duly held on April 18, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of \$16,000 for Parcel HAR 24-5.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1415 Oliver Ave N to Michlitsch Builders, Inc for \$25,000, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/2/06)

Resolution 2006R-217, authorizing sale of land Tax Forfeiture Program Disposition Parcel No. TF-687 (1415 Oliver Ave N), was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-217

By Goodman

Authorizing sale of land Tax Forfeiture Program Disposition Parcel No. TF-687 (1415 Oliver Ave N).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-687, in the Willard Hay neighborhood, from Michlitsch Builders, Inc., hereinafter known as the Redeveloper, the Parcel TF-687, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-687; 1415 Oliver Avenue North: Lot 13, "Walton's First Addition to Minneapolis". Being registered land as is evidenced by Certificate of Title No. 1172606; and

Whereas, the Redeveloper has offered to pay the sum of \$25,000, for Parcel TF-687 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 7, 2006, a public hearing on the proposed sale was duly held on April 18, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Tax Forfeiture Program plan, as amended, is hereby estimated to be the sum of \$25,000 for Parcel TF-687.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the properties at 706 Newton, 2320 Sheridan and 2615 Thomas Aves N to AA Contracting, Inc for \$25,000 for each property, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month per parcel from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

Resolution 2006R-218, authorizing sale of land Tax Forfeiture Program Disposition Parcel No. TF-685, TF-689 & TF-696 (706 Newton Ave N, 2320 Sheridan Ave N and 2615 Thomas Ave N), was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-218

By Goodman

Authorizing sale of land Tax Forfeiture Program Disposition Parcel No. TF-685, TF-689 & TF-696 (706 Newton Ave N, 2320 Sheridan Ave N and 2615 Thomas Ave N).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-685, TF-689 & TF-696, in the Near North and Willard Hay neighborhoods, from AA Contracting, Inc., hereinafter known as the Redeveloper, the Parcel TF-685, TF-689 & TF-696, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTIONS:

TF-685; 706 Newton Avenue North: Lot 29, Block 17, "Oak Park Addition to Minneapolis". Being registered land as is evidenced by Certificate of Title No. 1173992;

TF-689; 2320 Sheridan Avenue North: The South 19.82 feet of Lot 1 and that part of Lot 2 lying North of the South 28.82 feet of said Lot 2, Block 8, "Subdivision of Lots in Ferrants 1st Addition to Minneapolis". Being registered land as is evidenced by Certificate of Title No. 1172609;

TF-696; 2615 Thomas Avenue North: Lot 12, Block 1, "Radisson Heights". Being registered land as is evidenced by Certificate of Title No. 1172607; and

Whereas, the Redeveloper has offered to pay the sum of \$25,000 *each*, for Parcel TF-685, TF-689 & TF-696 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 7, 2006, a public hearing on the proposed sale was duly held on April 18, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Tax Forfeiture Program plan, as amended, is hereby estimated to be the sum of \$25,000 *each* for Parcel TF-685, TF-689 & TF-696.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

Comm Dev - Your Committee, having under consideration technical revisions to the Affordable Ownership Housing Program Guidelines as set forth in the Department of Community Planning & Economic Development (CPED) report, now recommends approval of said revisions, which include increasing the maximum CPED financial assistance for properties sold to households earning 50% and 60% of the metropolitan median income (MMI), eliminating total public funding gaps as a program requirement; changes to program evaluation criteria; eliminating the category for assisting households at 30% MMI; and clarifying the employer contribution and private leverage; and reducing the total points awarded for blighted properties.

Adopted 4/28/06.

Comm Dev – Your Committee, having under consideration the issuance of refunding bonds on behalf of Augustana Chapel View Homes, Inc, to refinance and rehabilitate the Augustana Park Center Apartments, a 218-unit elderly independent facility at 1020 E 17th St and 1509 - 10th Ave S, now recommends passage of the accompanying resolution granting approval to refund up to \$7,200,000 in Tax-exempt Multifamily Housing Development and Health Care Facility bonds for Augustana Chapel View Homes, Inc.

Adopted 4/28/06.

Resolution 2006R-219, authorizing and providing for the issuance and sale of Housing Facilities Refunding Revenue Bonds, in one or more series, in an aggregate amount of up to \$7,200,000, at the request of Augustana Chapel View Homes, Inc., for refinancing and rehabilitation of Augustana Park Center Apartments at 1020 E 17th St and 1509 - 10th Ave S, and approving the forms of documents required in connection therewith, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-219
By Goodman

Authorizing and providing for the issuance and sale of Housing Facilities Refunding Revenue Bonds, in one or more series, in an aggregate amount of up to \$7,200,000, at the request of Augustana Chapel View Homes, Inc., and approving the forms of documents required in connection therewith.

Resolved by The City Council of The City of Minneapolis:

1. Authority. Pursuant to Minnesota Statutes, Sections Chapter 462C, as amended (the "Act"), the City of Minneapolis, Minnesota (the "City" or the "Issuer") is authorized to issue revenue bonds and refunding revenue bonds and sell such bonds at public or private sale as may be determined by the governing body to be most advantageous; and to loan the proceeds of such bonds to provide financing and refinancing for projects and multifamily housing developments, all as further provided in the Act, and to refund bonds previously issued therefor under the Act. Such bonds are authorized to be secured by a pledge of the revenues to be derived from a loan agreement with the borrower of such proceeds, and by such other security devices as may be deemed advantageous. Under the provisions of the Act, such bonds shall be special, limited obligations, and shall not constitute an indebtedness of the issuer thereof, within the meaning of any state constitutional provision or statutory limitation, nor give rise to a pecuniary liability of the issuer or a charge against its general credit or taxing powers.

2. The Bonds and the Refunding. Augustana Chapel View Homes, Inc., a Minnesota nonprofit corporation (the "Borrower") has proposed that certain outstanding revenue bonds, previously issued by the Issuer with respect to the Borrower's existing Park Center Apartments senior housing facilities, located in the City (such outstanding revenue bonds referred to as the "Refunded Bonds"), be refunded, in whole (the "Refunding"). The Refunded Bonds consist of the outstanding Housing and Health Care Facilities Revenue Bonds (Augustana Chapel View Homes, Inc. Project), Series 1997, issued by the City of Minneapolis in the original principal amount of \$10,100,000.

The Borrower has further proposed that, in order to provide for the refunding in full of the Refunded Bonds, the Issuer issue and sell its Housing Facilities Refunding Revenue Bonds (Augustana Chapel View Homes, Inc. Project), in one or more series, in an aggregate principal amount of not to exceed \$7,200,000 (the "Bonds"), pursuant to the Act, and loan the proceeds thereof to the Borrower pursuant to a loan agreement under terms and conditions requiring the Borrower to undertake and complete the Refunding and to make loan repayments at times and in amounts sufficient to provide for payment of the Bonds in full, when due.

3. Public Hearing. In connection with the issuance of the Refunded Bonds, a public hearing was held, following not fewer than 14 days' published notice in a newspaper of general circulation in the City, by the Community Development Committee of the City Council, with respect to the issuance of the Refunded Bonds. All persons present had an opportunity to express their views with respect to the issuance of the Refunded Bonds.

4. Documents Presented. Forms of the following documents relating to the Refunding have been submitted to the Issuer and are now on file in the offices of the Issuer:

- a. Loan Agreement (the "Loan Agreement") between the Issuer and the Borrower; and
- b. Trust Indenture (the "Indenture") of even date with the Loan Agreement, between the Issuer and U.S. Bank National Association, as trustee (the "Trustee"); and
- c. Combination Mortgage, Security Agreement and Fixture Financing Statement and Assignment of Leases and Rents (the "Mortgage") of even date with the Loan Agreement, from the Borrower to the Trustee;
- d. Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") of even date with the Loan Agreement, between the Borrower and the Trustee;
- e. Bond Purchase Agreement (the "Bond Purchase Agreement"), by and between Northland Securities, Inc. (the "Underwriter"), the Borrower and the Issuer;
- f. Preliminary Official Statement and form of final Official Statement, the form of the Preliminary Official Statement, together with the insertion of the final underwriting details of the Bonds, including the interest rates thereon, and any other changes deemed necessary or desirable, intended to constitute the form of the final Official Statement, and including all Appendices thereto (together the "Official Statement"), describing the offering of the Bonds, and certain terms and provisions of the foregoing documents.

5. Findings. It is hereby found, determined and declared that:

a. There is no litigation pending or, to the knowledge of the Issuer, without investigation or inquiry, threatened against the Issuer relating to the Refunding, the Bonds, the Indenture, the Loan Agreement, the Bond Purchase Agreement, or the Continuing Disclosure Agreement (collectively referred to as the "Bond Documents"), or questioning the organization, powers or authority of the Issuer to issue the Bonds or to execute or deliver any of the Bond Documents.

b. To the knowledge of the Issuer, without investigation or inquiry, the execution and delivery of and the performance of the Issuer's obligations under the Bonds and the Bond Documents do not and will not violate any order of any court or any agency of government of which the Issuer is aware or in any proceeding to which the Issuer is a party, or any indenture, agreement or other instrument to which the Issuer is a party or by which it or any of its property is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument.

c. The Loan Agreement shall provide for payments by the Borrower to the Issuer of such amounts as will be sufficient to pay the principal of, premium, if any, and interest on the Bonds when due.

d. Under the provisions of the Act, the Bonds are not and shall not be payable from or charged upon any funds other than amounts payable pursuant to the Loan Agreement and related documents; the Issuer is not subject to any liability thereon; no owner of the Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Bonds or the interest thereon, nor to enforce payment thereof against any property of the Issuer; neither the Bonds nor any document executed or approved in connection with the issuance thereof shall constitute a pecuniary liability, general or moral obligation, charge, lien or encumbrance, legal or equitable, upon any property of the Issuer; and the Bonds shall not constitute or give rise to a charge against the general credit or taxing powers of the Issuer.

6. Approval and Execution of Documents. The forms of the Indenture, the Loan Agreement, the Mortgage, the Continuing Disclosure Agreement and the Bond Purchase Agreement, referred to in paragraph 4, are approved. In connection with the issuance of the Bonds, the Issuer shall enter into the Indenture, the Loan Agreement, and the Bond Purchase Agreement, substantially in the forms on file, but with all such changes therein as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof, shall be executed and delivered in the name and on behalf of the Issuer by the officers identified in paragraph 12.

7. Approval, Execution and Delivery of the Bonds. The officers of the Issuer are hereby authorized and directed to execute and issue the Bonds, in one or more series, and the Bonds shall be issued in such series and shall be substantially in such forms, mature, bear interest, and be payable according to such terms and shall otherwise contain such terms and provisions as are set forth in the Indenture, which terms are for this purpose incorporated in this resolution and made a part hereof; provided, however, that the aggregate principal amount of the Bonds, the interest rates thereon, the amounts and dates of the principal payments required to be made with respect thereto, and the rights of optional and mandatory redemption with respect thereto shall all be as are set forth in the Indenture, and all such final terms shall be deemed approved by the Issuer upon the execution of the Indenture by the officers of the Issuer in accordance with the provisions of this resolution, such approval to be conclusively evidenced by the execution thereof; and provided further, however, that, in no event shall the aggregate principal amount of the Bonds exceed \$7,200,000, shall the final maturity of the Bonds cause the weighted average maturity of the Bonds to be in excess of the remaining weighted average of the Refunded Bonds, for federal income tax purposes, or shall the net interest cost with respect to the Bonds exceed 7.00% per annum. Each of the Bonds shall recite that it is issued pursuant to the Act and such recital shall, to the fullest extent permitted by law, conclusively establish the legality and validity thereof.

The Bonds shall be sold to the Underwriter in accordance with and upon the terms and conditions set forth in the Bond Purchase Agreement. The proposal of the Underwriter to purchase the Bonds, as further provided in the Bond Purchase Agreement, at the purchase price or prices set forth therein, is hereby accepted.

8. Certificates, etc. The officers and employees of the Issuer are authorized to prepare and furnish to Dorsey & Whitney LLP, Minneapolis, Minnesota, as Bond Counsel to the Underwriter, and to the Underwriter, certified copies of all proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the Issuer as to the truth of all statements of fact contained therein.

9. Official Statement. The Issuer hereby consents to the circulation by the Underwriter of the Official Statement, substantially in the form now on file, in offering the Bonds for sale; provided, however, that the Issuer has not participated in the preparation of the Official Statement or independently verified the information in the Official Statement and takes no responsibility for, and makes no representations or warranties as to, the accuracy or completeness of such information.

10. Nature of Issuer's Obligations. All covenants, stipulations, obligations, representations, and agreements of the Issuer contained in this Resolution or contained in the aforementioned documents shall be deemed to be the covenants, stipulations, obligations, representations, and agreements of the Issuer to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations, representations, and agreements shall be binding upon the Issuer. Except as otherwise provided in this Resolution, all rights, powers, and privileges conferred, and duties and liabilities imposed upon the Issuer by the provisions of this Resolution or of the aforementioned documents shall be exercised or performed by such officers or agents as may be required or authorized by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation, representation, or agreement herein contained or contained in the documents referred to above shall be deemed to be a covenant, stipulation, obligation, representation, or agreement of any member of the City Council, or any officer, agent, or employee of the Issuer in that person's individual capacity, and neither shall any member of the City Council nor any officer or employee executing the Bonds or such documents be liable

personally on the Bonds or be subject to any representation, personal liability or accountability by reason of the issuance thereof. No provision, representation, covenant or agreement contained in the Bonds, this Resolution or in any other document related to the Bonds, and no obligation therein or herein imposed upon the Issuer or the breach thereof, shall constitute or give rise to a general or moral obligation, or indebtedness or pecuniary liability of the Issuer or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in the Bonds or in any other document related to the Bonds, the Issuer has not obligated to pay or remit any funds or revenues, except for revenues derived from the Loan Agreement that are pledged to the payment of the Bonds.

11. Authorized Officers. The Bonds and the documents referred to herein are authorized to be executed on behalf of the Issuer by the Finance Officer; provided, however, that in the event that the City Finance Officer shall be unavailable or for any reason be unable to execute the Bonds or any other document to be entered into by the Issuer in connection therewith, any other officer of the Issuer, as in the opinion of the Issuer's attorney, are authorized to act in that capacity and undertake such execution or acts on behalf of the Issuer.

12. Governmental Program Bonds. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Program", as defined in Resolution 88R-021 of the Issuer adopted January 29, 1988, and as amended by Resolution 97R-402 of the Issuer adopted December 12, 1997.

13. Definitions and Interpretation. Terms not otherwise defined in this Resolution but defined in the form of Loan Agreement or Indenture now on file shall have the same meanings in this Resolution and shall be interpreted herein as provided therein. Notices may be given as provided in the Loan Agreement. In case any provision of this Resolution is for any reason illegal or invalid or inoperable, such illegality or invalidity or inoperability shall not affect the remaining provisions of this Resolution, which shall be construed or enforced as if such illegal or invalid or inoperable provision were not contained herein.

Adopted 4/28/06.

Comm Dev - Your Committee recommends that the proper City officers be authorized to enter into a contract with Lutheran Social Service in an amount not to exceed \$200,000 for 2006 for the administration of the "It's All About the KIDS" Program.

Adopted 4/28/06.

Comm Dev - Your Committee, having under consideration the 1101 W Broadway Project Area redevelopment, now recommends that the proper City officers be authorized and directed as follows:

a) To negotiate the terms of a redevelopment agreement and land sale for City-owned real property as set forth in the Department of Community Planning & Economic Development (CPED) report with the development team of The Ackerberg Group, Pillsbury United Communities, and Welsh Companies, all Minnesota corporations;

b) To establish productive negotiations and completed terms within six months of final Council approval of this action;

c) To pursue the conditions defined in the CPED report, and incorporate agreed to conditions into the redevelopment terms.

Adopted 4/28/06.

Comm Dev - Your Committee, having under consideration the issuance of revenue bonds for Real Asset Capital, LLC for the Broadway Shopping Center Project located at the intersection of W Broadway and Lyndale Aves N, a proposal for converting the blighted shopping center site into a mixed-use project for community services and a catalyst for additional redevelopment within the neighborhood, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$10 million in EZ Tax-exempt Revenue Bonds, Series 2006, for said project.

Adopted 4/28/06.

Resolution 2006R-220, granting preliminary approval for the issuance of revenue bonds on behalf of Real Asset Capital, LLC, for the Broadway Shopping Center project located at the intersection of

W Broadway and Lyndale Aves N, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-220

By Goodman

Granting preliminary approval for the issuance of revenue bonds on behalf of Real Asset Capital, LLC.

Whereas, this Council has held a public hearing in connection with a proposal by Real Asset Capital, LLC (the "Developer") on behalf of a new limited liability company which is to be formed (the "Borrower") and which will be controlled by the Developer, to undertake a project in the City of Minneapolis (the "City") pursuant to the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152 to 469.1651, as amended (the "Act") consisting generally of the acquisition and improvement of an existing shopping center known as Broadway Shopping Center located at the intersection of West Broadway and Lyndale Avenue in the City (the "Project"); and

Whereas, the requested financing for the Project consists of the issuance by the City of its Revenue Bonds (Broadway Shopping Center Project), Series 2006, in an aggregate principal amount of up to \$10,000,000 (the "Bonds");

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. Preliminary approval is hereby granted to the Project and the issuance of the Bonds. This Council has a reasonable expectation that it will reimburse expenditures on the Project with the proceeds of the Bonds.

2. It is hereby found, determined and declared that the Project furthers the purposes stated in Section 469.152 of the Act.

3. In the judgment of the City Council, based upon the representations made by the Developer, the Project as proposed would not be undertaken by the Developer but for the availability of industrial development bond financing.

4. The Developer has agreed to pay any and all costs incurred by the City in connection with the Project whether or not the Project is approved by the Minnesota Department of Employment and Economic Development and whether or not the Project is carried to completion.

5. Submission by City staff to the Minnesota Department of Employment and Economic Development of an Application for Approval of the Project is hereby approved, together with all such supporting documentation as may be required by law.

6. City staff is also authorized to prepare and submit an application for an allocation of the State volume cap for the Project pursuant to Minnesota Statutes, Chapter 474A.

Adopted 4/28/06.

Comm Dev - Your Committee, having under consideration the Low Income Housing Tax Credit Procedural Manual and Qualified Allocation Plan, as set forth in the report of the Department of Community Planning & Economic Development, now recommends approval of said Manual and Plan, as amended to add a new category for the Qualified Allocation Plan for Tax Credits to read: "Rehabilitation or stabilization of existing housing stock in impacted areas (5 points): The project is located in an 'impacted' area (as defined by HUD) of the City of Minneapolis, or inside a Qualified Census Tract, and either: i. Preserves below market rate subsidized low income housing which due to mortgage repayments or foreclosure would be converted to market rate; or ii. Substantially rehabilitates existing housing."

Your Committee further recommends that the proper City officers be authorized to proceed with a Request for Proposals.

Adopted 4/28/06.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the Near North Willard Hay Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

- 1) Approval of said action plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$1,845,711;
- 2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$633,874 in the NRP fund for implementation of said Plan;
- 3) That the proper City officers be authorized to reserve the remaining \$1,211,837 in a reserve account within Fund CNR0 for future years expenditures on the approved Plan provided that no more than 70% of the amount approved for the Plan (\$1,291,998) shall be obligated in the first three years after approval of the Plan; and
- 4) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 4/28/06.

RESOLUTION 2006R-221
By Goodman and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$633,874.

Adopted 4/28/06.

Comm Dev & W&M/Budget - Your Committee, having under consideration environmental remediation grant applications for Spring, 2006, now recommends that the proper City officers be authorized to apply to the following agencies for projects as listed, in priority order:

Metropolitan Tax Base Revitalization Account Grant Requests:

Project	Grant Request
1. The Bridge for Runaway Youth	\$ 77,000
2. Van Cleve Court	\$ 150,000
3. Anishinabe Bii-Gii-Winn	\$ 13,615
4. 2112 Broadway Ave E	\$ 92,000
5. The Jourdain.	\$ 87,000
6. 3445 - 1st Ave S.	\$ 50,000
7. Aloft Hotel	\$ 71,500

Minnesota Department of Employment and Economic Development Grant Requests:

Project	Grant Request
1. Anishinabe Bii-Gii-Winn	\$ 157,091
2. Fusion (investigation)	\$ 25,000
3. Aloft Hotel	\$ 412,500
4. Pacific Block (investigation)	\$ 50,000

Hennepin County Environmental Response Fund Grant Requests:

Project	Grant Request
1. The Bridge for Runaway Youth	\$ 61,000
2. Van Cleve Court	\$ 150,000
3. Anishinabe Bii-Gii-Winn	\$ 13,615
4. Fusion (investigation)	\$ 40,000
5. 3445 1st Ave S	\$ 70,000
6. Pacific Block (investigation)	\$ 20,000

Your Committee further recommends passage of the accompanying resolutions authorizing appropriate City staff to execute agreements to implement the grant programs.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

Resolution 2006R-222, authorizing application to the Metropolitan Council Tax Base Revitalization Account for The Bridge for Runaway Youth, Van Cleve Court, Anishinabe Bii-Gii-Winn, 2112 Broadway Street NE, The Jourdain, 3445 1st Ave S and Aloft Hotel (Parcel F) projects, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-222
By Goodman and Ostrow

Authorizing application to the Metropolitan Council Tax Base Revitalization Account for various projects.

Whereas, the City of Minneapolis (the "City") was a participant in the Livable Communities Act's Housing Incentives Program for 2001-2002 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that meet the Tax Base Revitalization Account's purposes and criteria: The Bridge for Runaway Youth, Van Cleve Court, Anishinabe Bii-Gii-Winn, 2112 Broadway Street NE, The Jourdain, 3445 1st Ave S and Aloft Hotel (Parcel F); and

Whereas, the City intends to act as the legal sponsor for one or more of the above-referenced projects, which are more completely described in the Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on May 1, 2006; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the Metropolitan Council for one or more of the above-reference projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

Resolution 2006R-223, authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for the Anishinabe Bii-Gii-Winn, Fusion (investigation), Aloft Hotel (Parcel F), and Pacific Block (investigation), was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-223
By Goodman and Ostrow

Authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the contamination clean up applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on May 1, 2006: Anishinabe Bii-Gii-Winn, Fusion (investigation), Aloft Hotel (Parcel F), and Pacific Block (investigation); and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Department of Employment and Economic Development for Contamination Clean Up Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

Resolution 2006R-224, authorizing application to the Hennepin County Environmental Response Fund for The Bridge for Runaway Youth, Van Cleve Court, Anishinabe Bii-Gii-Winn, Fusion (investigation), 3445 1st Ave S, and Pacific Block (investigation) projects, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-224
By Goodman and Ostrow

Authorizing application to the Hennepin County Environmental Response Fund for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the Environmental Response Fund applications to be submitted to Hennepin County on May 1, 2006: The Bridge for Runaway Youth, Van Cleve Court, Anishinabe Bii-Gii-Winn, Fusion (investigation), 3445 1st Ave S, and Pacific Block (investigation); and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

The **HEALTH, ENERGY & ENVIRONMENT** Committee submitted the following reports:

HE&E - Your Committee recommends that the proper City officers be authorized to execute a contract with Hennepin County to engage in Local Collaborative Time Study (LCTS) revenue enhancement activities during the period January 1, 2006 through December 31, 2013.

Adopted 4/28/06.

HE&E - Your Committee, having under consideration employment goals for women and minorities for City assisted construction projects and a recommendation by the 2006 Construction Goals Joint Task Force, now recommends that the Department of Civil Rights be authorized to implement, monitor and enforce construction employment goals of 11% for minorities and 6% for females on all City assisted construction projects.

Adopted 4/28/06.

The **HEALTH, ENERGY & ENVIRONMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

HE&E & W&M/Budget - Your Committee, having under consideration the City's participation in the Cities Readiness Initiative, now recommends that the proper City officers be authorized to amend Grant Agreement #19847-05 with the Minnesota Department of Health to increase the grant amount by \$13,000.36, for a new total amount of \$126,831.36, to improve mass dispensing capacity in the region. Further, passage of the accompanying resolution appropriating \$13,000.36 to Health & Family Support.

Adopted 4/28/06.

(Republished 5/20/06)

RESOLUTION 2006R-225

By Benson and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8621) by \$13,000.36 and increasing the Revenue Source (030-860-8621 – Source 3210) by \$13,000.36.

Adopted 4/28/06.

HE&E & W&M/Budget - Your Committee, having under consideration the City's participation in the Public Health Preparedness and Response to Bioterrorism, now recommends that the proper City officers be authorized to amend Grant Agreement #19847-06 with the Minnesota Department of Health

to increase the grant amount by \$58,464.54, for a new total amount of \$520,702.54, for implementation and testing of City, County and regional Public Health Emergency Preparedness Plans. Further, passage of the accompanying resolution appropriating \$58,464.54 to Health & Family Support.

Adopted 4/28/06.

RESOLUTION 2006R-226
By Benson and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8621) by \$58,464.54 and increasing the Revenue Source (030-860-8621 – Source 3210) by \$58,464.54.

Adopted 4/28/06.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR - Your Committee, having under consideration current legislation concerning eminent domain and local government (Senate File No. 2750), proposing to add a section [117.1863] to Minnesota Statutes requiring inverse condemnation of any mixed municipal solid waste service businesses, when requested by such business, when a city or town determines to provide mixed municipal solid waste collection services in their city or town, directly or indirectly, in place of the existing private service, or limits the private business' provision of such service, now recommends that the City support the removal of this proposed section from the eminent domain bill, and oppose future attempts to pass inverse condemnation legislation infringing upon the ability of local governments to freely act pursuant to their legally established police powers.

Adopted 4/28/06.

IGR - Your Committee recommends that the Council support House File No. 3940, a bill for an act relating to liquor, as amended to add a new Section 8, Subd. 2(k) to read as follows:

"(k) The city of Minneapolis may issue an on-sale intoxicating liquor license to a restaurant located at 5411 Penn Ave S, notwithstanding any law or local ordinance or charter provision.

EFFECTIVE DATE. This section is effective upon approval by the Minneapolis City Council in the manner provided by Minnesota Statutes, section 645.021, notwithstanding Minnesota Statutes, section 645.023, subdivision 1, paragraph (a)."

Adopted 4/28/06.

IGR - Your Committee, having under consideration the Neighborhood Revitalization Program (NRP) Policy Board action authorizing the NRP Chair and Director to work with City leaders to pursue a narrowly focused statutory change in 2006 to expand the definition of the "NRP Statutes" to include community public safety in addition to housing, with said authorization expiring 12/31/06, now recommends that the Council support legislation that amends the NRP Statutes to include language allowing expenditure of NRP funds for community public safety strategies.

Adopted 4/28/06.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: Noise*, amending after hour work permit requests, extending hours for outdoor amplified sound permit requests, and the authority to modify and suspend permits, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/28/06.

Ordinance 2006-Or-033 amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: Noise*, amending Sections 389.30, 389.40, 389.60, 389.70, and 389.105 to amend after hour work permit requests, extend hours for outdoor amplified sound permit requests, and the authority to modify and suspend permits, was adopted 4/28/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-033
By Samuels
Intro & 1st Reading: 3/10/06
Ref to: PS&RS
2nd Reading: 4/28/06

Amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to Offenses – Miscellaneous: Noise.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That portions of Section 389.30 of the above-entitled ordinance be amended by deleting and adding definitions in alphabetical sequence to read as follows:

389.30. Definitions. The following terms whenever used in this article shall have the following respective meanings:

Ambient noise level: The sound level which exists at a point of measurement in the absence of the sound from the noise emission source of which is measured, being the total effect of all other sounds coming from near and far. The total of all noise in the environment, other than the noise from the source of interest. This term is used interchangeably with background noise.

A-weighted sound level: A measure of sound pressure level designed to reflect the acuity of the human ear, which does not respond equally to all frequencies. The ear is less efficient at low and high frequencies than at medium or speech-range frequencies. To describe a sound containing a wide range of frequencies in a manner representative of the ear's response, it is necessary to reduce the effects of the low and high frequencies with respect to the medium frequencies. The resultant sound level is said to be A-weighted, and the units are dB(A). The A-weighted sound level is also called the noise level. Sound level meters have an A-weighting network for measuring A-weighted sound level. The specific weighting characteristics and tolerances are those given in American National Standards Institute S 1.4-1983, section 5.1.

Central business district: The geographic area bounded by and including the Mississippi River southeasterly to Interstate 35; Interstate 35 southerly to Interstate 94; Interstate 94 westerly and northerly to Glenwood Avenue; Glenwood Avenue easterly to North Ninth Street; North Ninth Street northerly to Second Avenue North, and Second Avenue North to the Mississippi River.

Commercial power maintenance equipment: Any equipment or device rated at more than five (5) horsepower and used for the repair of buildings and structures, or the maintenance of buildings, structures or properties, excluding 'outdoor implements' as defined and regulated by section 389.80.

Construction: Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

Construction equipment: Any vehicle or device used for the purposes of construction, or used to transport equipment, materials, supplies or debris to or from a construction site, including, but not limited to such as a jackhammer, hammerdrill, bulldozer, dump truck, front end loader, bobcat, crane or backhoe used in a construction project which has a defined beginning and end.

Daytime: 6:00 a.m. to 6:00 p.m. Those hours from 7:00 a.m. to 10:00 p.m. of the same day.

Decibel: A unit of sound pressure level, abbreviated as dB.

Demolition: Any dismantling, destruction or removal of buildings, structures, roadways or other similar structures.

Demolition Equipment: Any vehicle or device used for the purposes of demolition, or used to transport equipment, materials, supplies or debris to or from a demolition site.

Large block event: A Large Block Event as defined and limited in Chapter 455 of this Code.

Nighttime: Those hours from 10:00 p.m. to 7:00 a.m.

Noise area classification or noise classification area: The noise area classifications are based on the land use activity at the location of the receiver and determine the noise standards applicable to that land use activity unless an exception applies. The noise area classifications, and activities and exceptions are included in Minnesota Rules, Chapter 7030, administered by the Minnesota Pollution Control Agency, except where specifically altered herein.

Person: Any human being, any municipality or other governmental or political subdivision or other public department or agency, any public or private corporation, any partnership, firm, association or other organization, any receiver, trustee, assignee, agency, legal entity, other than a court of law, or any legal representative of any of the foregoing.

Publicly owned and controlled property: Any land owned and controlled by a government or quasi-government agency including, but not limited to, the City of Minneapolis, Minneapolis Park and Recreation Board, Minneapolis School Board, Hennepin County, State of Minnesota, Metropolitan Sports Commission, University of Minnesota, and the United States of America.

Sound Pressure level: In decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure to the reference pressure. The reference pressure shall be 20 micronewtons per square meter.

Section 2. That Section 389.40 of the above-entitled ordinance be amended to read as follows:

389.40. Enforcement. The director of inspections Assistant City Coordinator for Regulatory Services and the chief of police, or their designees, are authorized and directed to administer and enforce the provisions of this article.

Section 3. That Section 389.60 of the above-entitled ordinance be amended to read as follows:

389.60. What constitutes violation. (a) During the daytime within a multi-tenant building, multi-unit dwelling or such structures that have more than one tenant, lease holder or legal residence, Any activity, not expressly exempted by section 389.50 or this section which generates sound regardless of frequency that is more than ten (10) decibels (A scale) above the ambient noise level when measured within the unit occupied by the complainant. any dwelling unit (other than the one of sound source) in a condominium, townhouse, apartment house, multi-unit dwelling, single-family dwelling, or similar dwelling between the hours of 6:00 a.m. and 10:00 p.m. All measurements applying to the above shall be made indoors with the doors closed, and within the dwelling unit occupied by the complainant.

(b) During the nighttime within a multi-tenant building, multi-unit dwelling or such structures that have more than one tenant, lease holder or legal residence, Any activity not expressly exempted by section 389.50 or this section which generates sound regardless of frequency that is more than five (5) decibels (A) scale above the ambient noise level when measured within the unit occupied by the complainant. any dwelling unit (other than the one of sound source) in a condominium, townhouse, apartment house, multi-unit dwelling, single-family dwelling or similar dwelling between the hours of 10:00 p.m. and 6:00 a.m. All measurements applying to the above shall be made indoors with the doors closed, and within the dwelling unit occupied by the complainant.

(c) Any sound in excess of the limits as set forth in Minnesota Rules, Chapter 7030 (1995) provided that such sound is five (5) dB(A) or more above ambient noise levels for sounds measured during the daytime or three (3) decibels or more above ambient noise levels for sounds measured during the nighttime between 10:00 p.m. and 6:00 a.m. or five (5) decibels or more above ambient noise levels for sounds measured between 6:00 a.m. and 10:00 p.m.

(d) Sound in excess of the limitations for any noise classification area, as determined pursuant to paragraph (c), as measured in that noise classification area, are a violation violative of this section, whether the sound originates in that noise classification area or any other noise classification area. The noise area classification of the receiving noise classification area rather than that of the generating noise classification area determines the appropriate noise area classification for the purposes of this section. Measurement of sound must be made at or within the applicable noise area classification at the point of human activity which is nearest to the noise source. All measurements shall be made outdoors.

(e) Sounds emanating from the operation of the following are exempt from the provisions of this section and section 389.65(a):

- (1) Motor vehicles on traffic ways of the city.
 - (2) Aircraft in flight.
 - (3) Outdoor implements, such as power lawn mowers, leaf blowers, snowblowers, power hedge clippers and power saws.
 - (4) Pile drivers, jackhammers, cranes, scrapers, dump trucks, backhoes, bulldozers and other construction equipment.
 - (5) Lawful and properly permitted organized athletic activities on school grounds, and officially designated playgrounds used for recreation by children under supervision, and parks or places wherein athletic contests take place between the hours of 8:00 a.m. and 9:00 p.m.
 - (6) Rail traffic.
 - (7) Repairs and maintenance of utility structures when the utility structures pose a clear and immediate danger to life or health or significant loss of property, and the repairs and maintenance are necessary for the safety and commercial vitality of the city.
- (f) Sounds emanating from amplifying equipment that is in full compliance with a permit issued pursuant to section 389.105 are exempt from the provisions of this section.
- (g) At no point on the boundary of a residence or business district shall the sound pressure level of any operation within the M₁1, M₁2, M₁3 districts, or any use regardless of present zoning which is first a permitted use in the M₁1, M₁2, M₁3 districts, exceed the decibel limits in the octave bands designated below:

TABLE INSET:

Maximum Permitted Sound Level (decibels)

Octave Band Frequency (cycles per second)	Along Residence District Boundaries	Along Business District Boundaries
0—75	72	79
75—150	67	64
150—300	59	66
300—600	52	59
600—1200	46	53
1200—2400	40	47
2400—4800	34	41
Over 4800	32	39

- (h) No noise shall be prohibited or restricted under the authority of this section which substantially burdens a person's exercise of religion unless it is demonstrated that application of the burden to the person is:
- (1) in furtherance of a compelling governmental interest.
 - (2) the least restrictive means of furthering that compelling governmental interest.
 - (3) consistent with Article I, Section 16 of the Minnesota Constitution.
- (i) No noise shall be prohibited or restricted under the authority of this section which substantially limits speech unless such a prohibition or restriction:
- (1) serves a significant governmental interest as applied in a particular case.
 - (2) as applied in the particular case there are other ample alternative channels for communication of the information.
 - (3) application of the regulation in the particular case promotes a substantial government interest that would be achieved less effectively absent application of the regulation.

Section 4. That Section 389.70 of the above-entitled ordinance be amended to read as follows:

389.70. Construction and, demolition and commercial power maintenance equipment.

- (a) Except as hereinafter provided, no construction or, demolition or commercial power maintenance equipment shall be operated within the city between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or during any hours on Saturdays, Sundays and state and federal holidays, except under specific permit from the ~~director of inspections or the city council~~ Assistant City Coordinator for Regulatory Services or their designee, for the purpose of a specified ~~construction~~ project or activity only, as provided below and no such equipment shall be operated at any time if the sound level from such operation exceeds

ninety (90) decibels measured at fifty (50) feet or more away from the source; provided further, however, that such equipment, the operation of which fully conforms and in the reasonable opinion of the ~~director of inspections or the city council~~ Assistant City Coordinator for Regulatory Services or their designee is likely to fully conform to the provisions of sections 389.50, 389.60, 389.65, 389.90, and 389.100 of this chapter shall be permitted to operate during the above-prohibited hours and days after obtaining the permit required by this section.

- (b) No internal-combustion engine or any other power unit when operated in connection with construction ~~or~~ demolition or commercial power maintenance equipment shall be operated at any time other than at the times as above set forth in this section and any sound emitted from any such engine or power unit shall not exceed ninety (90) decibels measured at fifty (50) feet or more away from the source.
- (c) No exhaust system of such an internal-combustion engine shall be altered, modified or repaired in such a way that the noise emitted by the engine is increased above that emitted by said engine as originally equipped from the manufacturer.
- (d) If an emergency situation exists or if the ~~director of inspections~~ Assistant City Coordinator for Regulatory Services or their designee determines that substantial loss or inconvenience would result to any party in interest unless allowed additional hours of equipment operation, the ~~director~~ Assistant City Coordinator for Regulatory Services or their designee may grant permission for extended hours of operation of such construction or demolition equipment and internal-combustion engine or power units subject to such conditions or restrictions as the ~~director~~ Assistant City Coordinator for Regulatory Services determines to be necessary and appropriate and in the public interest.
- (e) The fees for an extended hours-of-operation permit issued pursuant to paragraph (d) hereof, shall be as established in the director's fee schedule pursuant to section 91.70 ~~fifty dollars (\$50.00) per day~~ for each Saturday, Sunday, and legal holiday on which work is performed and each calendar day on which work is performed after 6:00 p.m. or before 7:00 a.m. of the following day. The fee for an extended hours-of-operation permit for a public works project, issued pursuant to paragraph (f) hereof, shall be as established in the director's fee schedule pursuant to section 91.70 ~~twenty-five dollars (\$25.00) per day~~. Permits shall be obtained in advance of the proposed extended hours of operation. If the permit has not been applied for in advance, the fee will be doubled for the days of operation prior to the date of application if the permit is issued.
- (f) The department of public works may construct, repair or rehabilitate any highway, road or bridge or other public infrastructure after 6:00 p.m. or before 7:00 a.m. on weekdays, or on Saturdays, Sundays or state or federal holidays when, in the judgment of the city engineer it is determined that the expeditious construction, repair or rehabilitation of any highway, road or bridge or other public infrastructure necessitates the operation of pile drivers, jackhammers, engines, power units or any other construction equipment.
- (g) No after hours work permit may be issued to a site within five hundred (500) feet of the property line of a hospital, clinic, licensed health care facility or other similar business except under authority of 389.70(d).
- (h) Each applicant for an after hours work permit must provide the following information:
 - (1) Verification that the applicant has notified all immediate property occupants and owners of their proposed activity;
 - (2) The applicant's requested hours of operation;
 - (3) The nature of the activity that will be occurring;
 - (4) The site and address where the activity will take place;
 - (5) A contact and phone number for the site activities;
 - (6) A company name, a company contact, a mailing address and phone number;
 - (7) Payment of the permit fee; and
 - (8) Any other information the city deems necessary in order to determine whether a permit should be issued.
- (i) An after hours work permit shall not have a start time before 7:00 a.m. or end time past 10:00 p.m. for weekdays. An after hour work permit shall not have a start time before 9:00 a.m. or end time past 6:00 p.m. on weekends or state or federal holidays except under authority of 389.70(d).

- (j) A permit request may be rejected or modified from the after hours work times identified in 389.70(h) if:
 - (1) The activity is not compatible with the zoning of the property where the activity is requested;
 - (2) The activity is not compatible with adjacent parcels within a five hundred (500) foot radius of the property; or
 - (3) If substantiated complaints of excessive noise, dust or nuisance conditions have occurred from similar activities at the site or by the applicant within the past year.
- (k) An approved permit may be canceled or modified if:
 - (1) The activity is found to be incompatible with the zoning of the property where the activity is occurring;
 - (2) The activity is found to be incompatible with adjacent parcels within a five hundred (500) foot radius of the property;
 - (3) Substantiated complaints of excessive noise, dust or nuisance conditions result from site activities; or
 - (4) The activity is found to be in violation of the conditions of the permit.
- (l) After hours work may be suspend by the Minneapolis Police or the Assistant City Coordinator for Regulatory Services or their designee if a valid permit is not present on site for review or under authority of 389.70(k).

Section 5. That Section 389.105 of the above-entitled ordinance be amended to read as follows:

389.105. Permits for sound amplifying equipment. Except as provided in section 389.60(e)(5), no person shall use or maintain any outside sound amplifying equipment ~~without first having obtained a permit from the pollution control section of the inspections division, department of regulatory services~~ except under specific permit from the Assistant City Coordinator for Regulatory Services or their designee. The fees for this permit shall be as established in the director's fee schedule pursuant to section 91.70 ~~thirty-five dollars (\$35.00)~~ for each calendar day, Saturday, Sunday or legal holiday for which amplified sound is played or operated subject to the following conditions:

- (1) A daytime permit is required for oOutside sound amplifying equipment ~~shall be used only between the hours of 9:00 7:00 a.m. and 9:00 10:00 p.m. This may be expanded to include hours between 7:00 a.m. and 10:00 p.m. upon a showing that the event can not reasonably take place without such expansion of hours. The hours when outside sound amplifying equipment may be used, pursuant to a permit, can only be extended if: (A) outside amplified sound equipment is being used as part of a Large Block Event and is explicitly allowed by the terms of the Large Block Event Permit issued pursuant to Chapter 455 of this code; or (B) outside amplified sound equipment is being used on publicly owned and controlled property in the Central Business District.~~
- (2) Amplification that does not meet the limits of section 389.60 shall be limited to ~~eight (8) twelve (12) hours in any one (1) day, sixteen (16) twenty-four (24) hours in any seven (7) day period and thirty-two (32) thirty-six (36) hours in any twenty-eight (28) day period for the same property. The Assistant City Coordinator for Regulatory Services, or their designee, may permit amplified sound in excess of these limitations if, and only if, the outside amplified sound equipment is being used on publicly owned and controlled property in the Central Business District.~~
- (3) Sound measured at fifty (50) feet from the source shall not exceed ninety (90) dB(A).
- (4) Sound measured off the property where the equipment is allowed under the permit shall never be more than fifteen (15) dB(A) above the ambient noise level.
- (5) Compliance with section 389.65 (a) and (b).

A permit shall be issued only after the applicant gives a written promise to comply with these conditions and reasonably demonstrates that the activity will comply with these conditions. The terms of the permit, may be expanded, or the fee waived or reduced, when it is deemed necessary, upon a proper showing, for the purpose of complying with section 389.65 (b) (13), which is incorporated herein.

Permits shall be obtained in advance of the proposed extended hours of operation. If the permit has not been applied for in advance, the fee will be doubled for the days of operation prior to the date of application if the permit is issued.

Adopted 4/28/06.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Nuisances Generally*, adding a new Section 227.190 entitled *Clandestine Lab Sites* to amend the definition of public nuisance to include clandestine lab sites, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/28/06.

Ordinance 2006-Or-034 amending Title 11, Chapter 277 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Nuisances Generally*, adding a new Section 227.190 entitled *Clandestine Lab Sites* to amend the definition of public nuisance to include clandestine lab sites, was adopted 4/28/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-034
By Samuels
Intro & 1st Reading: 3/10/06
Ref to: PS&RS
2nd Reading: 4/28/06

Amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 227 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 227.190 to read as follows:

227.190. Clandestine Lab Sites. A clandestine lab site, as defined by Minnesota Statute section 152.0275, shall constitute a public nuisance.

Adopted 4/28/06.

PS&RS - Your Committee, having under consideration the application of Spoonriver Limited, dba Spoonriver, 750 S 2nd St, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2007, and a Sidewalk Cafe License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/28/06.

PS&RS - Your Committee, having under consideration the application of Ballet of the Dolls Inc, dba Ritz Theater Presents, 343 13th Av NE, for an On-Sale Wine Class A with Strong Beer License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/28/06.

PS&RS - Your Committee, having under consideration the application of SNP Enterprises LLC, dba Tin Fish, 4837 W 40th St, for an On-Sale Wine Class E with Strong Beer License (license upgrade) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/28/06.

PS&RS - Your Committee, having under consideration the application of Five Restaurant and Street Lounge LLC, dba Five Restaurant and Street Lounge, 2917 Bryant Av S, for an On-Sale Liquor

Class C-2 with Sunday Sales License (regular expansion of premises; and upgrade of license from Class E) to expire October 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/28/06.

PS&RS - Your Committee, having under consideration the application of Old Arizona Studios Inc, dba Old Arizona Studios, 2821 Nicollet Av, for an Off-Sale Liquor License (new business) to expire April 1, 2007, now recommends that said license be granted, subject to the following conditions:

- a. that no sales of single bottles or cans of beer/malt liquor will occur.
- b. that no sales of inexpensive fortified wines in half-pint or pint (or their metric equivalent) will occur.
- c. that change in excess of \$3 will not be accepted for any beverage alcohol purchase.
- d. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/28/06.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Hi-Hi Gas N More, 4751 Nicollet Av, for Grocery, Food Manufacturer, Tobacco and Gasoline Filling Station Licenses, subject to conditions.

Adopted 4/28/06.

Resolution 2006R-227, granting the application of Hi-Hi Gas N More, 4751 Nicollet Av, for Grocery, Food Manufacturer, Tobacco and Gasoline Filling Station Licenses, subject to conditions, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-227

By Samuels

Granting the application of Hi-Hi Gas N More, 4751 Nicollet Av, for Grocery, Food Manufacturer, Tobacco and Gasoline Filling Station Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Afran Corporation, dba Hi-Hi Gas N More, 4751 Nicollet Av, for Grocery, Food Manufacturer, Tobacco and Gas Station Licenses (new proprietor) to expire April 1, 2007, subject to the following conditions:

- a. the licensee agrees not to install pay phones either inside or outside the store.
- b. the licensee shall comply with the surveillance camera ordinance and acknowledges the receipt of the ordinance and policies.
- c. "No Trespassing" signs will be posted. The business employees and management shall ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance.
- d. The licensee will create a system for issuing and tracking 90-day "No Trespass Notices" complete with pictures of trespassed people.
- e. the licensee agrees not to sell items commonly used by drug users and drug dealers. These items include glass pipes (sometimes they have plastic roses inside), "Brillo pads" or "Chore Boy" (these items can be sold if soap is added to the material), small zip lock type baggies, dice, tobacco rolling papers, single razor blades and blunt cigars.
- f. the licensee will not supply matches to non-tobacco customers.
- g. the licensee shall keep all lights functioning properly, and will add lights if recommended by the Police Department, CCP/SAFE, or Licenses Division.
- h. noise from the business will be kept to a minimum.

- i. the licensee shall patrol all property and public areas daily within 100 feet of the property line for litter and debris control.
 - j. windows must be kept 70% clear of all signs. The 70% shall be within the 3 foot to six foot height range.
 - k. the licensee will have a minimum of two employees working at all times. One employee shall monitor the exterior of the business and request persons not patronizing the business to leave and call 911 if they do not comply.
 - l. temporary signs cannot be placed on fences, building side walls, etc without a permit.
 - m. the dumpster shall be screened, be maintained with a tight fitting cover, and be regularly maintained to prevent overflowing.
 - n. the licensee shall remove snow from sidewalks, both private and public, within four hours of a snow event.
 - o. the licensee shall cut grass and weeds so they are maintained less than eight inches high.
 - p. licenses shall be renewed by the expiration date.
 - q. the interior of the store shall be kept clean at all times.
- Adopted 4/28/06.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 4/28/06.

Resolution 2006R-228, granting applications for Liquor, Wine and Beer Licenses, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-228
By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Off-Sale Liquor, to expire April 1, 2007

RJJ Holdings LLC, dba Video House/Bottle House, 150 2nd Av S

Liquor Depot Inc, dba Liquor Depot, 1010 Washington Av S

M G M Wine & Spirits Inc, dba M G M Liquor Warehouse, 3254 W Lake St

South Lyndale Liquors Inc, dba South Lyndale Liquor, 5300 Lyndale Av S

Town Hall Brewery Ltd Ptn, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (growler license)

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2007

Yendor Corp, dba Augies, 424 Hennepin Av

Rooftop Inc, dba Marshall Fields 12th Floor, 700 Nicollet Mall, 12th floor

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2006

Old Chicago of Colorado Inc, dba Old Chicago, 510 1st Av N

Drink Inc, dba Drink, 26 5th St N

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2007

T J Management of Minneapolis Inc, dba Gabby's Saloon & Eatery, 1900 Marshall St NE

Hexagon Bar Inc, dba Hexagon Bar, 2600 27th Av S, 1st floor

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2006

Coreyx LLC, dba Nicollet Island Inn, 95 Merriam St (new manager)

On-Sale Liquor Class C-2 with Sunday Sales, to expire May 10, 2006

331 Inc, dba 331 Club, 331 13th Av NE (temporary expansion of premises with entertainment, May 20, 2006, 1:00 p.m. to 10:00 p.m. in parking lot)

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2006

M O R E Inc, dba Blarney's Irish Pub & Grill, 412 14th Av SE

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2007

Russel-Harris Enterprises, dba Annie's Parlor, 313 14th Av SE

Town Hall Brewery Limited Partnership, dba Minneapolis Town Hall Brewery, 1430 Washington Av

S

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2007

OSF International Inc, dba Old Spaghetti Factory, 233 Park Av (new manager)

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2006

Friends of the Revolution Inc, dba Auriga, 1930 Hennepin Av (new manager; new shareholder/partner)

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2007

Haza Charters Inc, dba 19 Bar, 19 W 15th St

Pizza Luce Inc, dba Pizza Luce, 119 4th St N

Apple American Limited Partnership of Minnesota, dba Applebee's Neighborhood Grill and Bar, 601 1st Av N

Keys at the Foshay Bar & Grill, 812 Marquette Av

Lafayette Café LLC, dba Vincent, 1100 Nicollet Mall

Market Bar-B-Que Inc, dba Market Bar-B-Que, 1414 Nicollet Av

Lucia Watson Entr, dba Lucia's Restaurant, 1432 W 31st St

Gangapersaud Radika, dba Palm Court Restaurant & Bar, 2424 Central Av NE

Rainbow Chinese Restaurant Inc, dba Rainbow Chinese Restaurant, 2739 Nicollet Av

Marissas Inc, dba El Mariachi Restaurant, 2750 Nicollet Av

Apple American Limited Partnership of Minnesota, dba Applebee's Neighborhood Grill & Bar, 3200 W Lake St

On-Sale Wine Class A with Strong Beer, to expire April 1, 2007

Theatre De La Jeune Lune, dba Theatre De La Jeune, 105 1st St N

Minnesota S T A R Inc, dba Cedar Cultural Centre, 416 Cedar Av S (no food requirement)

Anderson Restaurant Corporation, dba Dulono's Pizza, 607 W Lake St

Brave New Institute, dba Brave New Workshop, 2605 Hennepin Av (no food requirement)

On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2007

Marysburg Books LLC, dba Marysburg Books Coffee, 304 Washington Av N

Harley A Thompson, dba Casey's Bar & Grill, 3510 Nicollet Av

On-Sale Wine Class D with Strong Beer, to expire April 1, 2007

Chatterbox Enterprises Inc, dba Chatterbox Pub, 2229 E 35th St

El Norteno Market & Deli, dba El Norteno Market & Deli, 4000 E Lake St

On-Sale Wine Class E with Strong Beer, to expire April 1, 2007

Under Grand Cafe Inc, dba Grand Cafe, 3804 Grand Av S (new ownership from American Groovo LLC)

AIIM Restaurant Inc, dba The Art Institutes International Minnesota, 15 S 9th St

Boughatsa Inc, dba Gardens of Salonica New Greek Cafe, 19 S 5th St

Noodles & Company, dba Noodles & Company, 233 Cedar Av S

Modern Cafe Inc, dba Modern Cafe, 337 13th Av NE

Las Tapatias LLC, dba Cafeteria Las Tapatias, 349 E Lake St (change in ownership from Pedro Ruiz-Flores)

Rooftop Inc a Minnesota Corp, dba Marshall Fields 700 Express, 700 Nicollet Mall

Bigsby Enterprises Ltd, dba Bigsby's Cafe, 701 4th Av S

Guayaquil Restaurant Inc, dba Guayaquil Restaurant, 1526 E Lake St

Three Strands Enterprises Inc, dba Rix Bar and Grill, 2203 44th Av N

Lorenzo & Giorgio Inc, dba Pane E Vino, 2451 Hennepin Av

Cardinal Bar Inc, dba Cardinal Bar, 2920 E 38th St

Noodle Shop Company Minnesota Inc, dba Noodles & Company, 3040 Excelsior Blvd
Birchwood Cafe Inc, dba Birchwood Cafe, 3311 E 25th St
Nelmatt LLC, dba Matt's Bar, 3500 Cedar Av S
Papa's Pizza and Pasta LLC, dba Papa's Pizza and Pasta, 4159 Thomas Av N
Kamprud Enterprises Inc, dba Pizza Pie & I, 4205 E 34th St
Old School BBQ Inc, dba Famous Daves, 4264 Upton Av S
Crystal Garden Inc, dba Crystal Garden, 4711 Hiawatha Av
Turtle Bread Company, dba Restaurant Levain-Pizza Biga, 4762 Chicago Av
Hot Plate LLC, dba Hot Plate, 5204 Bloomington Av
Papago Inc, dba Fat Lorenzo's, 5600 Cedar Av S
First Course Inc, dba First Course, 5607 Chicago Av
Food Services Inc, dba 5-8 Club, 5800 Cedar Av S

On-Sale Wine Class E with 3.2% Beer, to expire April 1, 2007

Pizza on the Parkway Inc, dba Carbones Pizza on the Parkway, 4724 Cedar Av S
Rosvold Enterprises Inc, dba Campus Pizza, 818 Washington Av SE

On-Sale Beer Class E, to expire April 1, 2007

Yukon Club Inc, dba Yukon Club, 320 W Lake St

Temporary On-Sale Beer

St Hedwig Church, dba St Hedwig Church, 129 29th Av NE (June 4, 2006, 11:00 a.m. to 5:00 p.m.).
Adopted 4/28/06.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 4/28/06.

Resolution 2006R-229, granting applications for Business Licenses, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-229

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 28, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271150):

Bowling Alley; Car Wash; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Distributor; Food Market Distributor; Farm Produce Permit Non-Profit; Grocery; Ice Peddler; Ice Producer – Dealer/Wholesale; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Wholesale Sausage Manufacturer & Distributor; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Plumber; Pool Table; Public Market; Residential Specialty Contractor; Secondhand Goods Class B; Sign Hanger; Swimming Pool – Public; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class A.

Adopted 4/28/06.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.
Adopted 4/28/06.

Resolution 2006R-230, granting applications for Gambling Licenses, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-230
By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Class B

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: Minneapolis Eagle, 515 Washington Av S)

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: Saloon, 830 Hennepin Av)

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: 19 Bar, 19 W 15th St)

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: Brass Rail, 422 Hennepin Av)

Gambling Lawful Exempt

Twin Cities Myeloma Foundation, dba Twin Cities Myeloma Foundation, 19160 Towering Oaks Trail, Prior Lake (Raffle April 20, 2006 at Zuhrah Shrine Center, 2540 Park Av)

Hot Summer Jazz Festival, dba Hot Summer Jazz Festival, 6545 119th Place N (June 22 through 24, 2006, Peavey Plaza, 1100 Nicollet Mall)

Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (Raffle July 7 & 8, 2006)

Church of St. Bridget, dba Church of St. Bridget, 3811 Emerson Av N (Bingo, Raffle, Paddlewheels, Tipboards June 4, 2006 at Sojourner Truth Academy, 3820 Emerson Av N).

Adopted 4/28/06.

PS&RS - Your Committee, having under consideration the Grocery, Food Manufacturing and Tobacco Dealer Licenses held by Aminan Inc, Haider Alnomani, dba 4 You Food Market, 2326 Lyndale Av N, and having received a recommendation from the Licenses & Consumer Services Division that the City Council revoke said licenses, and the licensee having requested a contested administrative hearing, now recommends that the matter be referred to the Office of Administrative Hearings in order for a hearing to be held before an Administrative Law Judge.

Adopted 4/28/06.

PS&RS - Your Committee recommends that the proper City officers be authorized to execute Workforce Director Proprietary Software License Agreements with other jurisdictions on an on-going basis, and that staff be authorized to adjust the Workforce Director™ Service and Software License Agreement as required to achieve Intellectual Property Initiative project goals. Further, that Finance Department staff be authorized to periodically adjust Intellectual Property Initiative budgets to reflect revenues, in accordance with the City Attorney's report to the City Council on March 21, 2006 (Petn No 271151).

Adopted 4/28/06.

PS&RS - Your Committee recommends passage of the accompanying resolution amending Resolution 2004R-367 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses", passed August 20, 2004, which was previously amended by Resolution 2006R-050, passed February 10, 2006, to specifically include violations of Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*.

Adopted 4/28/06. Yeas, 12; Nays, 1 as follows:

Yeas – Lilligren, Colvin Roy, Glidden, Remington, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Johnson.

Nays – Goodman.

Resolution 2006R-231, amending Resolution 2004R-367 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses", passed August 20, 2004, which was previously amended by Resolution 2006R-050, passed February 10, 2006, to specifically include violations of Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-231
By Samuels

Amending Resolution 2004R-367 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses", passed August 20, 2004, which was previously amended by Resolution 2006R-050, passed February 10, 2006, to specifically include violations of Title 4 (Animals and Fowl).

Whereas, the City Council has enacted Chapter 2 of the Minneapolis Code of Ordinances (hereinafter "Code") which establishes an administrative enforcement and hearing process for certain violations of the Code; and

Whereas, Section 2.40 of the Code provides that violations of certain provisions of the Code are administrative offenses that may be subject to the administrative enforcement and hearing process; and

Whereas, Section 2.60 of the Code provides for the imposition of a civil fine for administrative offenses; and

Whereas, Section 2.70 of the Code provides that the City Council will adopt by Resolution a schedule of civil fines for administrative offenses; and

Whereas, Resolution 2004R-367 of this Council has established a fine schedule for administrative offenses enforced by the Divisions of Housing, Licenses and Consumer Services, Police Licensing and by the Police Department; and

Whereas, Resolution 2006R-050 of this Council has previously amended that fine schedule; and

Whereas, the City Council wishes to amend the fine schedule and specifically include violations of Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*;

Now, Therefore Be It Resolved by the City Council of the City of Minneapolis:

That the Schedule of Civil Fines for Administrative Offenses be amended to include violations of Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*.

Be It Further Resolved that the following Schedule of Civil Fines, as amended, be adopted, to read as follows:

SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES

Updated by City Council 4/28/06

Unless otherwise specified in the following schedule, the civil fine for an administrative offense enforced pursuant to Chapter 2 of the Minneapolis Code of Ordinances is \$200.

A second or subsequent violation of the same type by the same person or entity in a twenty-four (24) month period of time shall be subject to a fine that is double the amount of the fine imposed for the previous violation, up to a maximum of \$2000 per violation.

Description of Violation	Code Citation	
Fine		
Title 4 – Animals and Fowl		
License Required (dogs and cats)	64.10	\$25
Collars and Tags Required	64.20	\$25
Leashing; feces clean up	64.50	\$25
Off leash dog areas; permits and regulations	64.55	\$50
Dogs and cats in heat	64.60	\$25
Maximum number animals of the dog, cat, ferret, or rabbit kind	64.100	\$50
License required (ferrets)	65.10	\$25
Vaccinations of dogs required	66.10	\$25
Vaccination of cats required	66.20	\$25
Vaccinations of ferrets required	66.25	\$25
License required; issuance procedure (pet shops, kennels, etc.)	68.20	\$200
Posting of license (pet shops, kennels, etc.)	68.30	\$200
Permit required (Fowl, pigeons, and other small animals)	70.10	\$50
Burial or abandonment of dead animals prohibited	72.60	\$25
Unattended animals in streets, alleys, sidewalks, public places	74.10	\$25
Attachment of animals to trees, posts prohibited	74.20	\$25
Keeping of honeybees	74.80	\$25
Title 10 – Food Code		
Conducting or Operating a Food Establishment without a License	188.160	\$250
No Glass Outside After 11 PM in Downtown	188.540 (9)	\$100
Title 11 – Health and Sanitation		
Possessing Drug Paraphernalia in a Public Place	223.235	\$240
Public Urination	227.180	\$80
Title 12 – Housing		
Graffiti – Defacement of Property	244.495 (a)	\$240
Title 13 – Licenses and Business Regulations		
Operating a Business without a Required License (excluding Pawnshops and Precious Metal Dealers)	Chapters. 266 - 350 excluding Chapters 322, 324	\$250
Operating as a Precious Metal Dealer without a Required License	322.20	\$500
Operating as a Pawnshop without a Required License	324.30	\$500
Taxi – Violation of Driver Prohibited Acts	341.250	\$250
Taxi – No Driver's Licenses	341.340	\$250
Taxi – Operate a Taxi without a License	341.480	\$250
Taxi – Defective / Unsealed Meter	341.790	\$250
Title 14 – Liquor and Beer		
No Ropes/Stanchions for Sidewalk Café with Liquor	360.15 (3)	\$100
Music Emanating Beyond Confines of Business	360.55	\$100
Liquor Establishment – Litter within 100 Feet of Lot Lines	360.95	\$100
No Glass Outside After 9 PM in Downtown	360.100 (k)	\$100
Failure to Post Sign Warning Pregnant Women of Effects of Alcohol, Blood Alcohol Chart, and Consequences of Driving Under the Influence	360.110	\$100

No Business License – License Required		
Liquor License Required	362.10	\$500
Wine License Required	363.20	
Beer License Required	366.10	
All Liquor Licenses shall be Posted in a Conspicuous Place	362.460	\$100
Premises to be Open to Inspection	362.490	\$500
Furnishing Liquor to Minors, not Large Venues or Special Events	364.10	\$500
Sales to Obviously Intoxicated Parties	364.30	\$500
Consumption in Public	364.40	\$80
Loitering in Possession of an Open Bottle	364.45	\$80
No Consumption of Liquor on Premises between 2:30 a.m. and 8:00 a.m.	364.85	\$500
Unauthorized Persons on Premises between 2:30 and 5:00 a.m.		\$250
“On Sale” Liquor License	364.100	
Wine or Beer License	368.70	
“On-Sale” Premises without Special Licenses to Close Certain Hours	364.100	\$250
“Spiking” Prohibited	368.20	\$250
Club Sales to Non-Members	368.50	\$250
Sale of Liquor to a Minor	370.10	\$500
Sales or Service by a Minor	370.20	\$500
Consumption by a Minor	370.40	\$160
Withholding of Pertinent Licensing Information on Application		
Renewal	362.110	\$200
New	362.120	
Large Venue and Special Events		Each Incid- ent (I)
Special Events: 1 to 10 points of sale (1 incident/sale to minor to be a violation/compliance failure)	364.10	\$500
Special Events: 11 or more points of sale (2 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 30 to 50 points of sale (2 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x
Large Venues: 51 to 75 points of sale (3 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x
Large Venues: 76 to 100 points of sale (4 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x
Large Venues: 101 to 150 points of sale (5 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x
Large Venues: 151 to 200 points of sale (6 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x
Large Venues: 201 or more points of sale (7 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x \$500 x \$500 x

¹ "I signifies incidents of sales to underage parties.

Title 15 – Offenses – Miscellaneous

Loitering	385.50	\$240
Aggressive Solicitation	385.60	\$80
Lurking	385.80	\$240
Noise – Amplified Sound from Vehicles	389.65 (c)(6)	\$80
Noisy/Unruly Assembly; Participating in, Conducting, Visiting, Remaining at or Permitting	389.65(c)(1)	\$150
Noisy/Unruly Assembly; Owner, Rental License Holder or Landlord	389.65(c)(1)	\$200
Noise – No Amplified Sound Permit	389.105	\$250

Title 17 – Streets and Sidewalks

Littering	427.30	\$80
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Title 18 – Traffic Code

Vehicles Displayed for Sale on Public Street	478.70	\$50
Commercial/Overweight Vehicle Parked in Residential Zone	478.240	\$50

Title 20 - Zoning Code

Prohibited Home Occupation	535.460	\$250
Commercial Vehicle Parked in Residential Zone	546.80	\$50
Business Open After Hours		\$250
Residence Districts	546.60	
Office Residence Districts	547.60	
C1 Neighborhood Commercial Districts	548.240	
C2 Neighborhood Corridor Commercial Districts	548.300	
C3A Community Activity Center District	548.360	
C3S Community Shopping Center District	548.420	
C4 General Commercial District	548.480	
Downtown Districts	549.60	
Industrial Districts	550.90	

Adopted 4/28/06. Yeas, 12; Nays, 1 as follows:

Yeas – Lilligren, Colvin Roy, Glidden, Remington, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Johnson.

Nays – Goodman.

PS&RS - Your Committee, having under consideration the property located at 2623 Dupont Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 2, Block 20, Fairmount Park Addition to Minneapolis (PID #09-029-24-43-0045), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 4/28/06.

PS&RS - Your Committee, to whom was referred back on March 10, 2007 a report relating to the property located at 1626 E Lake St which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and the City Council on October 7, 2005 having authorized demolition to be stayed for 30 days during which time the property owner was ordered to submit an acceptable rehabilitation plan; post a performance bond; and submit engineering reports for the property, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 35 and the West 12 feet of Lot 36, Heaton's Addition to Minneapolis (PID #35-029-24-44-0130), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and are hereby made

a part of this report by reference, and notwithstanding Chapter 599 of the Minneapolis Code of Ordinances.

Schiff moved that the report be referred back to the Public Safety & Regulatory Services Committee.

Seconded

Adopted 4/28/06.

PS&RS - Your Committee, having under consideration the property located at 2615 Newton Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 4, Block 11, Supplement to Forest Heights Addition to Minneapolis (PID #09-029-24-33-0198), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 4/28/06.

PS&RS - Your Committee, having under consideration the property located at 2946 Oliver Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the property owner be authorized to rehabilitate the property, subject to the following conditions, in accordance with the Findings of Fact, Conclusions and Recommendations on file in the Office of the City Clerk and which are hereby made a part of this report by reference:

a. that a letter of credit be obtained, and that the exterior work be completed within 60 days and the interior work within 120 days.

Adopted 4/28/06.

PS&RS - Your Committee, having under consideration the property located at 3435 Cedar Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and the City Council on December 23, 2004 having authorized the owner to rehabilitate the structure no later than July 31, 2005 subject to certain conditions, now recommends that the deadline for completion of rehabilitation of the property be extended 60 days to allow for rehabilitation of the garage.

Adopted 4/28/06.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a multi-year contract with the University of Minnesota College of Veterinary Medicine, Veterinary Medical Center, to provide health services for K9 service dogs.

Adopted 4/28/06.

The **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following reports:

T&PW - Your Committee, to whom was referred an ordinance amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*, improving the process and encouraging increased participation for National Night Out events, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/28/06.

Ordinance 2006-Or-035, amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Block Events improving the process and encouraging participation for National Night Out events, was adopted 4/28/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-035
By Colvin Roy and Glidden
Intro & 1st Reading: 3/31/06
Ref to: T&PW
2nd Reading: 4/28/06

Amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Block Events.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 455.10 of the above-entitled ordinance be amended by amending the definitions of *Block event barricade* and *Snow emergency route*, and by adding thereto the definition of *National Night Out* in alphabetical sequence to read as follows:

455.10. Definitions. As used in this chapter:

Block event barricade shall mean a barricade which meets the specifications set by the department of public works, or, in the case of residential National Night Out events only, ~~a barricade or colored tape of a type approved by the department of public works~~ CCP/SAFE unit of the Minneapolis Police department and/or signage which is displayed in a manner specified by the ~~department of public works~~ CCP/SAFE unit of the Minneapolis police department.

National Night Out is an annual event held on the first Tuesday in August, for the purpose of building community, generation of support for anti-crime programs and strengthening of police/community relations, through block parties and other events.

Snow emergency route shall mean any street marked with "red" snowplow signs and "blue" street name signs. ~~Streets that are not snow emergency routes have "green" and "brown" street name signs.~~

Section 2: That Section 455.20 of the above-entitled ordinance be amended to read as follows:

455.20. Application process for residential and business district block event permits.

(a) *Filing of application for residential block event permit.* After April 30, 2004, applicants seeking issuance of a residential block event permit shall file a complete application with the director of public works, in person, electronically, by facsimile, or by United States mail on forms provided by the city not less than four (4) business days before the date of the event. Residential area events or events pursuant to section 455.35(c)(2) shall be filed in person, electronically, by facsimile, or United States mail.

(b) *Filing application for business district block permits.* An applicant seeking issuance of a business district block event permit shall file a complete application with the director of regulatory services, in person, electronically, by facsimile, or by United States mail on forms provided by the city. An application for a block event in the central business district or neighborhood business district shall be filed in person, electronically, by facsimile, or postmarked not less than eleven (11) days before the proposed date of the event.

(c) *Filing application for a non-profit organization located in a residential area.* Such application is subject to the conditions and procedures applicable to business district applications set forth in this chapter unless the following conditions are met:

(1) The block event will have fewer than one hundred (100) people in attendance.

(2) More than fifty percent (50%) of the people expected to attend the event have residences which abut the portion of the street where the event is to be held.

(3) No food or beverages will be sold at the event.

(4) The applicant is a resident or property owner of property which abuts the portion of the street where the event is to be held or is the director, executive, or board member of the non-profit organization located on the block where the block event is to be held.

If the application of the non-profit organization is subject to the business district application conditions set forth in this chapter, such application shall be subject to the deadlines, conditions, fees and procedures set forth in this chapter for business district applicants, except that the event may be held during the hours allowed for residential events unless the event is to be held on an arterial street,

bus route or state highway, wherein the time restrictions for a business district event shall apply. Such applicant shall also provide information required in 455.25(c) in the manner as provided in this chapter. If the application by a non-profit organization is not subject to the business district conditions set forth in this chapter, such application shall be subject to the deadlines, fees, and application procedure for residential block event applicants set forth in this section and the conditions of application for residential block events set forth in this chapter.

(d) *Filing application for a large block event.* If the event is anticipated to have over 2500 participants the applicant may apply for a large block event permit as set forth in this chapter.

(e) Filing application for National Night Out block event. Applicants seeking issuance of a block event permit for a National Night Out block event shall file a complete application with CCP/Safe, in person, electronically, by facsimile, or by United States mail on forms provided by the city. Such applications will be subject to the requirements set forth in 455.25 for residential block events.

(1) Permit for a National Night Out block event shall not be issued if the proposed location of the event is on a bus route, county highway, state highway, or arterial route.

(2) If the application is received by the City fourteen (14) days prior to National Night Out, no fee will be required for issuance of the permit.

(3) If the application is received less than fourteen (14) calendar days but more than five (5) calendar days before National Night Out, the fee shall be one hundred (100) dollars.

(4) Applications for permits will not be accepted for processing if made less than five (5) calendar days before National Night Out.

(e) (f) Deadlines for application; fees for permit.

(1) Fees for residential area events and events pursuant to 455.35(c)(2) are based upon the date filed in person, electronically, by facsimile, or postmarked as follows:

Thirty-five (35) days or more prior to the event . . . \$25.00

Twenty-two (22) to thirty-four (34) days . . . 40.00

Fifteen (15) to twenty-one (21) days . . . 60.00

Seven (7) to fourteen (14) days . . . 160.00

Four (4) business days to six (6) calendar days . . . 200.00

(2) Fees for a central business district or neighborhood business district are based upon the date filed in person, electronically, by facsimile, or postmarked as follows:

Forty-five (45) days or more prior to the event . . . \$200.00

Thirty (30) to forty-four (44) days . . . 250.00

Twenty nine (29) to twenty (20) days . . . 350.00

Eleven (11) to nineteen (19) days . . . 400.00

(3) For residential block event permits, the director of public works shall accept the permit fee and, for business district block permits, the director of regulatory services shall accept the permit fee. The permit fee is not refundable. Payment is due at the time of application, but in the case of applications made electronically or by facsimile, payment and original affidavit must be received within three (3) days of the electronic or facsimile submission of the application. The increase of fees shall become effective June 15, 2003.

(f) (g) Approval of residential and business district block event permits.

(1) Prior to approval or denial of the permit, the director of regulatory services, for business district permit applications and applications referred to the director pursuant to section 455.20(c), will refer the block event permit application to the following:

a. The director of public works for all applications.

b. The chief of police for central or neighborhood business district block event applications.

c. The police license inspection division and the division of licenses and consumer services if the application states that wine, intoxicating malt beverages or non-intoxicating malt beverages will be sold. The divisions will report any findings concerning the applicant to the chief of police and the director of public works.

(2) The chief of police, for a business block event permit application, and the director of public works, for all applications, shall review the application and determine if the application meets the requirements of this chapter, or if there is a basis for denial of the permit under section 455.30. If an official denies an application, the reasons for denial shall be made in writing. Upon approval of these

officials, the director of public works shall issue the permit for residential block events and the director of regulatory services shall issue the permit for business district block events.

~~(g)~~ (h) *Notification of council member(s) of non-residential block event application.* Upon receipt of a non-residential block event application, shall forward a copy of the application to the council member(s) in whose ward(s) the event is proposed to take place. Prior to the issuance of the permit, such council member(s) may offer written comments to the director of regulatory services concerning whether the application is in compliance with the provisions of this chapter, or if there is a basis for denial under section 455.30.

~~(h)~~ (i) *Appeals process for residential and business district block event permits:*

(1) *Appeal to city council.* Except for large block event applications, ~~if~~ the application is not approved by the officials indicated above within five (5) days of its filing (excluding Saturdays, Sundays and holidays) or if the application is denied by any of the officials, or the official's designee, the director of public works, for residential permits, or the director of regulatory services, for business district permits, or the police department for National Night Out permits, shall upon request by applicant thereupon refer the application to the appropriate committee which shall make its recommendations concerning the application to the full city council. The city council shall have the authority to consider any application which lacks approval of the director of public works, director of regulatory services or the chief of police, or which has not been timely filed.

(2) *Judicial review.* If the appeal is denied by the city council, the applicant may immediately seek such judicial review as permitted by law.

~~(i)~~ (j) *Notification of issuance of permit.* Upon the issuance of the block event permit, the director of public works, for residential permits, or the director of regulatory services for business or other non-residential permits, shall so advise the chief of police, chief of the fire department, and the council member of the ward affected. The director of public works shall be informed by the director of regulatory services of the issuance of a business, or other non-residential block event permit.

Adopted 4/28/06.

T&PW - Your Committee recommends that the proper City officers be authorized to enter into a no cost agreement with the Metropolitan Council for an air rights easement over the Hiawatha LRT to allow for the construction of the Midtown Greenway Bridge over Hiawatha Avenue.

Adopted 4/28/06.

T&PW - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Minnesota Department of Transportation (MnDOT) retaining the City of Minneapolis to perform bridge abutment flushing on certain MnDOT bridges located within the metropolitan area.

Adopted 4/28/06.

T&PW - Your Committee, having under consideration the 2006 Alley Resurfacing Program, Special Improvement of Existing Alleys No. FS06#1, now recommends passage of the accompanying resolution designating the improvement of the alleys in the project.

Adopted 4/28/06.

Resolution 2006R-232, designating the improvement of 18 alleys in the 2006 Alley Resurfacing Program, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-232

By Colvin Roy

**SPECIAL IMPROVEMENT OF EXISTING ALLEYS NO FS06#1
2006 ALLEY RESURFACING PROGRAM**

Designating the improvement of the 2006 Alley Resurfacing Program (18 alleys located throughout the City of Minneapolis).

Resolved by The City Council of The City of Minneapolis:

That the following existing alleys within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by overlaying with bituminous material and including other related improvements and work as needed:

1. Between Johnson St and Ulysses St NE from St. Anthony Blvd to 30th Ave NE;
2. Between Johnson St and Lincoln St NE from 31st Ave to 32nd Ave NE;
3. Between Johnson St and Lincoln St NE from 28th Ave to 29th Ave NE;
4. Lincoln St to Buchanan St NE between 34th Ave and 35th Ave NE;
5. Broadway St to 13th Ave NE between 5th Ave and 6th Ave NE;
6. Sunset Blvd to W Lake St from Drew/Ewing Ave to France Ave;
7. Between 35th Ave S and 36th Ave S from E 29th St to E Lake St;
8. Between 36th Ave S and 37th Ave S from E 28th St to E 29th St;
9. Sheridan Ave N to Thomas Ave N between Farwell Ave N to 12th Ave N;
10. Thomas Ave N to Upton Ave N between Farwell Ave N to 12th Ave N;
11. Upton Ave N to Vincent Ave N between Farwell Ave N to 12th Ave N;
12. Between Oakland Ave S and Portland Ave S from 44th St E to 45th St E;
13. Between Chowen Ave S and Drew Ave S from 41st St W to 42nd St W;
14. Between 5th Ave S and Portland Ave S from 45th St E to 46th St E;
15. Between 5th Ave S and Portland Ave S from 40th St E to 41st St E;
16. Between 3rd Ave S to Clinton Ave S from 45th St E to 46th St E;
17. Between 27th Ave S and 28th Ave S from 54th St E to 55th St E; and
18. Between Newton Ave S and Oliver Ave S from 54th St W to 55th St W.

Adopted 4/28/06.

T&PW - Your Committee, having received a cost estimate of \$312,000 for alley resurfacing improvements and a list of benefited properties for the 2006 Alley Resurfacing Program, Special Improvement of Existing Alleys No. FS06#1, as designated by Resolution 2006R-232 passed April 28, 2006, now recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on June 6, 2006, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the above-designated alley resurfacing project.

Adopted 4/28/06.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Miscellaneous I-35W Frontage Road Reconstruction Project, Special Improvement of Existing Street No. 9761, with staff recommendations as follows:

- a) Ordering the City Engineer to proceed and do the work and adopting the special assessments in the total amount of \$713,257.70 for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$713,250; now recommends:

T&PW:

- a) That the benefited properties be assessed at the 2006 Uniform Renovation Rates of \$0.68 per square foot - Non-Residential and \$0.26 per square foot - Residential; and that the assessments not be levied until the fall of 2007, to begin on the 2008 real estate tax statements;

b) That the proper City officers be directed to identify a past project(s) with Net Debt Bond funds remaining that can be closed out to allow the funds to be re-designated to the I-35W Frontage Road Reconstruction Project, returning to the T&PW Committee on May 2, 2006 with that information;

c) Passage of a Resolution ordering the work to proceed and adopting the special assessments in the amount of \$433,313.37 for the project; and

d) Passage of a Resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$433,300.

W&M/Budget:

a) That the benefited properties be assessed at the 2006 Uniform Renovation Rates of \$0.68 per square foot - Non-Residential and \$0.26 per square foot - Residential; and that the assessments not be levied until the fall of 2007, to begin on the 2008 real estate tax statements;

b) That the proper City officers be directed to identify a past project(s) with Net Debt Bond funds remaining that can be closed out to allow the funds to be re-designated to the I-35W Frontage Road Reconstruction Project, returning to the T&PW Committee on May 2, 2006 with that information;

c) Passage of a Resolution ordering the work to proceed and adopting the special assessments in the amount of \$433,313.37 for the project; and

d) Passage of a Resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$433,300.

e) That the Council finds that the special assessment policy does not apply to freeway frontage improvements associated with freeway expansion.

Colvin Roy moved that the report be amended to approve the W&M/Budget Committee recommendation and to delete the T&PW Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/28/06.

Resolution 2006R-233, ordering the work to proceed and adopting the special assessments for the I-35W Frontage Road Reconstruction Project, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-233
By Colvin Roy and Ostrow**

**I-35W FRONTAGE ROAD RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 9761**

Ordering the work to proceed and adopting the special assessments for the I-35W Frontage Road Reconstruction Project.

Whereas, a public hearing was held on April 4, 2006, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2006R-091, passed February 24, 2006 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2006R-091, passed February 24, 2006.

Be It Further Resolved that the proposed special assessments in the total amount of \$433,313.37 for the Miscellaneous I-35W Frontage Road Reconstruction Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Miscellaneous I-35W Frontage Road Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of

more than \$150 may be paid shall be fixed at ten (10) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2008 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2008 real estate tax statements.

Adopted 4/28/06.

Resolution 2006R-234, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$433,300 for the purpose of paying the assessed costs of street improvements in the Miscellaneous I-35W Frontage Road Reconstruction Project, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-234
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$433,300 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Miscellaneous I-35W Frontage Road Reconstruction Project, Special Improvement of Existing Street No 9761, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/28/06.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to exceed the limit for professional services agreements by increasing Contract No. C-22229 with Orfield Laboratories in the amount of \$10,000, for a revised contract total of \$60,000, in order to complete the Street Lighting Visibility Study for residential areas.

Adopted 4/28/06.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate right-of-way easement agreements with private property owners on Elliot, 10th, and 11th Avenues South at Lake Street to allow the construction of two cul-de-sacs and curb bump outs to facilitate traffic circulation and provide vehicle access to adjacent businesses, as set forth in Petn. No. 271158.

Adopted 4/28/06.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution approving bids submitted to the Public Works Department, all in accordance with City specifications (Petn No. 271158).

Adopted 4/28/06.

Resolution 2006R-235, granting the approval of the bids for a) Class 7 recycled concrete; and b) the disposal of clean fill excavation spoils, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-235
By Colvin Roy and Ostrow

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications, and contingent upon approval of the Civil Rights Department. (Petn No 271158)

a) OP 6580, Accept low responsive bid of Midwest Asphalt Corporation, for an estimated expenditure of \$1,108,500, to furnish and deliver Class 7 recycled concrete for various divisions of Public Works, as needed through May 31, 2007.

b) OP 6600, Accept low bid of Rybak Excavating and Contracting, Inc., for an estimated annual expenditure of \$647,750, to furnish disposal of clean fill excavation spoils.

Adopted 4/28/06.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends that the City Attorney be authorized to amend the "Master Agreement" with Kennedy & Graven, Chartered, for the period of January 1, 2004 through December 31, 2006 with the cost of said agreement not to exceed \$900,000 for the three year period.

Adopted 4/28/06.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-18881, to accommodate an increase in scope in the amount of \$58,871.55 for 15 Tablet PC's, warranty, accessories and the services to test and deploy the devices.

Your Committee further recommends passage of the accompanying Resolution appropriating \$58,871.55 in the Information & Technology Services Agency.

Adopted 4/28/06.

RESOLUTION 2006R-236
By Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Information & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870-5070 Project 880F5509) by \$58,871.55; and increasing the revenue source (6400-880-8870 - Source 3455) by \$58,871.55.

Adopted 4/28/06.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

Resolution 2006R-237, approving construction change orders for contracts related to the New Central Library Project, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-237

By Ostrow

Approving Change Orders for the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

a) Change Order No. 1 increasing Contract Number C-22751 with Artifex Millwork, Inc. by \$29,537;
and

b) Change Order No. 12 increasing Contract Number C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical by \$165,681.

Adopted 4/28/06.

Approved by Mayor Rybak 5/1/06.

(Published 5/3/06)

W&M/Budget – Your Committee, having approved the reappropriation of the 2005 remaining budget to 2006, passed by the City Council on March 31, 2006, now recommends the following:

a) That Council Members Ostrow and Hodges give notice to the City Finance Officer of their intent to decline the additional appropriation to their individual office budgets of \$6,384.62 each;

b) That \$12,769.23 be directed to the Self-Insurance Fund (0690-127) to assist in debt reduction;
and

c) That the City Finance Officer be authorized to redirect funds.

Gordon moved that the report be amended by adding his name to item “a” and by increasing the amount from \$12,769.23 to \$19,153.85 in item “b”. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/28/06.

W&M/Budget – Your Committee, having received a recommendation from the Finance Department regarding Ward 10 - Capital Long-Range Improvement Committee (CLIC) Appointment, now recommends passage of the accompanying Resolution approving the City Council Ward 10 appointment for the term of February 1, 2006 to January 31, 2007.

Adopted 4/28/06.

Resolution 2006R-238, approval of one City Council appointment to the Capital Long-Range Improvement Committee (CLIC) members, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-238

By Ostrow

Approving one City Council Appointment to the Capital Long-Range Improvements Committee (CLIC).

Resolved by The City Council of The City of Minneapolis:

Name	Appointed by	Council Ward #
Skyler Weinand	Council	10
Adopted 4/28/06.		

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 12-month labor agreement with the Minneapolis Foremens Association, effective January 1, 2006 through December 31, 2006.

Adopted 4/28/06.

Resolution 2006R-239, approving the terms of a 12-month labor agreement with the Minneapolis Foremens Association, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-239

By Ostrow

Approving the terms of a collective bargaining agreement with the Minneapolis Foremens Association and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Foremens Association (Petn No 271166), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 4/28/06.

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 15, Section 15.120 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, by striking the word "appointed", now recommends that said ordinance, be **sent forward without recommendation**.

Vice President Lilligren assumed the Chair.

Johnson moved that the report be referred back to the Ways & Means/Budge Committee to hold a public hearing on May 22, 2006. Seconded.

Adopted 4/28/06.

President Johnson resumed the Chair.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Charles and Penny Ainsworth from the decision of the Board of Adjustment which approved applications of Shane Walgamuth for variances to: a) reduce the required north interior side yard setback from 6 to 5.3 feet; and b) reduce the required south interior side yard setback from 6 to 5.4 feet, all to allow for the projection of a stone facade and a portion of the building wall on a newly constructed single family dwelling at 3815 Washburn Ave S, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 4/28/06.

Absent - Schiff.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Michael Johnson (#1482) to vacate 16th Ave SE between 8th St SE and the Burlington Northern & Santa Fe Railroad for use as private property, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said avenue.

Adopted 4/28/06.

Absent - Schiff.

Resolution 2006R-240, vacating all part of 16th Ave SE, not previously vacated, which lies between the northwesterly extensions of the northeasterly and southwesterly line of Block 2, Mowers Addition to the City of Minneapolis, (16th Ave SE from 8th St SE to the Burlington Northern & Santa Fe Railroad Line), was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-240
By Schiff

Vacating all part of 16th Ave SE, not previously vacated, which lies between the northwesterly extensions of the northeasterly and southwesterly line of Block 2, Mowers Addition to the City of Minneapolis (#1482).

Resolved by The City Council of The City of Minneapolis:

That part of 16th Ave SE, not previously vacated, which lies between the northwesterly extensions of the northeasterly and southwesterly line of Block 2, Mowers Addition to the City of Minneapolis is hereby vacated.

Adopted 4/28/06.

Absent - Schiff.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of MWF Properties, LLC (BZZ-2841) to rezone the property at 2101 Washington St NE from R2B to the R3 District to permit a 38-unit multifamily rental apartment facility, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/28/06.

Absent - Schiff.

Ordinance 2006-Or-036 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2101 Washington St NE to the R3 District, was adopted 4/28/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-036
By Schiff
1st & 2nd Readings: 4/28/06

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Tract A, Registered Land Survey NO. 1208, Files of Registrar of Titles, County of Hennepin (2101 Washington St NE - Plate 9) to the R3 District.

Adopted 4/28/06.

Absent - Schiff.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Chris Rydrych (BZZ-2839) to rezone the property at 19 W 38th St from R2B to the R5 District to permit a new 8-unit, for-sale condominium building, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/28/06.

Absent - Schiff.

Ordinance 2006-Or-037 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 19 W 38th St to the R5 District, was adopted 4/28/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-037

By Schiff

1st & 2nd Readings: 4/28/06

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 1, Block 2, including the adjacent 12 feet of vacated Van Nest Avenue, Hinkley's Addition to Minneapolis (19 W 38th St - Plate 31) to the R5 District.

Adopted 4/28/06.

Absent - Schiff.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Eclipse Investments, LLC (BZZ-2760) to rezone the property at 3216 25th Ave S and 2432 33rd St E from R1A to the R4 District to permit the addition of two detached community residential facility dwelling units in an existing cluster development, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/28/06.

Absent - Schiff.

Ordinance 2006-Or-038 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 3216 25th Ave S and 2432 33rd St E to the R4 District, was adopted 4/28/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-038
By Schiff
1st & 2nd Readings: 4/28/06

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land situated in the State of Minnesota, County of Hennepin, to the R4 District, pursuant to MS 462.357 (Zoning Plate 27) as follows:

A. Lots 14 through 20 including Block 2 including adjacent half of vacated street and all of adjacent vacated alley except highway, Block 002, Parkers Addition to Minneapolis (3216 25th Ave S).

B. Lots 1 to 7 including also Lots 1 to 9 including Block 1, Cathy A Perkins Addition, except highway including adjacent half of vacated street, Block 003, Parkers Addition to Minneapolis (2432 33rd St E).

Adopted 4/28/06.

Absent - Schiff.

RESOLUTIONS

Resolution 2006R-241, honoring the re-birth of the Ritz Theater, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-241
By Schiff, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Remington, Benson, Colvin Roy and Hodges

Honoring The Re-birth of the Ritz Theater.

Whereas, Minneapolis has a tradition of preserving the heritage of the city by promoting restoration of historical buildings for the arts, and understands the importance of artistic expression to our urban environment, cultural fabric, community well-being and economic success; and

Whereas, since 1928, The Ritz Theater has been a unique, community-oriented venue in Northeast Minneapolis, providing a space for film and live theater; and

Whereas, this same theater has stood empty and unused for the past 20 years; and

Whereas, The Ballet of the Dolls Dance Company, founded by Myron Johnson, and led by Executive Director Craig Harris, has had the determination and vision to see the theater not for the ruin it had become, but what it could be; and

Whereas, The Ritz Theater had been a vital part of the Sheridan neighborhood and Northeast Minneapolis, and is about to become so once again as a theater and community resource; and

Whereas, to celebrate the re-opening of the Ritz Theater on May 12th, the Ballet of the Dolls will perform a new work entitled "Doors Opening: A Symphony of Dolls";

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That we thank the Ballet of the Dolls and all who have contributed to the reclaiming of the Ritz and proclaim May 12, 2006, The Re-Birth of the Ritz Theater Day in the City of Minneapolis.

Adopted 4/28/06.

Resolution 2006R-242, recognizing the Urban American-Indian community for the month of May, 2006, to be American-Indian Month in the City of Minneapolis, was adopted 4/28/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-242

By Johnson, Ostrow, Gordon, Hofstede, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Recognizing the Urban American-Indian community for the month of May, 2006, to be American-Indian Month in the City of Minneapolis.

Whereas, May, 2006, is recognized as Minnesota American Indian Month; and

Whereas, the State of Minnesota's American Indian Nations will showcase their proud heritage and growing success with a variety of celebrations during the month of May; and

Whereas, the City of Minneapolis is home to a significant urban American Indian population; and

Whereas, these celebrations shall take place in the form of feasts, cultural events, story telling, open houses, and pow wows, in the City of Minneapolis, and surrounding areas; and

Whereas, these festivities celebrate the culture and largely overlooked contributions of our Native citizens; and

Whereas, we also remember with sorrow the suffering American Indians have endured because of past federal policies that had devastating consequences for Native culture; and

Whereas, we as a City are seeking to ensure that American Indians have a voice equal to that of local government officials in addressing issues of concern to all our citizens; and

Whereas, this large and vibrant urban American-Indian community continues, in league with Tribal Government to solidify its ties with the City of Minneapolis;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That the City hereby recognizes the Urban American Indian Community for the month of May, 2006, to be American-Indian Month in the City of Minneapolis.

Adopted 4/28/06.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Duy Ngo v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote 4/28/06.

Room 315 City Hall

Minneapolis, Minnesota

April 28, 2006 – 10:25 a.m.

The Council met pursuant to adjournment.

President Johnson in the Chair.

Present – Council Members Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Gordon, Hofstede, Ostrow, President Johnson.

Absent – Samuels, Schiff.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Duy Ngo v. City of Minneapolis* lawsuit.

At 10:26 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote 4/28/06.

Present – Council Members Lilligren (out 11:16 to 11:20 a.m.), Colvin Roy, Glidden, Remington, Benson (out 11:16 to 11:20 a.m.), Goodman, Hodges, Samuels (in at 10:35 a.m.), Gordon, Hofstede (out 11:16 to 11:22 a.m.), Ostrow, Schiff (in at 10:27 a.m.), President Johnson.

Also present – Jay Heffern, City Attorney; James Moore, Assistant City Attorney; Clifford Greene and Monte Mills, outside counsel with Greene, Espel; Tim Dolan, Interim Police Chief; Peter Wagenius and Sherman Patterson, Mayor's Office; Merry Keefe, City Clerk (out 10:55 a.m.); Irene Kasper and Tina Sanz, City Clerk's Office.

Green and Mills summarized the *Duy Ngo v. City of Minneapolis* lawsuit from 10:27 a.m. to 11:35 a.m.

At 11:36 a.m., Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote 4/28/06.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Remington moved to adjourn. Seconded.
Adopted upon a voice vote 4/28/06.

Merry Keefe,
City Clerk.

Unofficial Posting: 5/1/2006
Official Posting: 5/5/2006
Correction: 5/9/2006; 6/20/2006